The City Council of the City of Raleigh met in regular session on Tuesday, April 5, 1983, in the City Council Chambers of the Municipal Building at 1:00 p.m. with the following present:

Mayor Pro Tem Walters, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Upchurch

Mayor York - Absent and Excused
Mr. Keller - Absent and Excused

Mayor Pro Tem Walters called the meeting to order and invocation was rendered by the Reverend G. Lee McIntyre after which the following matters were discussed with action taken as shown.

Mayor Pro Tem Walters indicated Mayor York and Mr. Keller were out-of-town and had called in earlier in the day and asked to be excused. Mr. Edwards MOVED THAT MAYOR YORK AND MR. KELLER BE EXCUSED FROM THE MEETING. His motion was seconded by Mr. Calloway and passed unanimously. MAYOR PRO TEM WALTERS MOVED THE MOTION ADOPTED.

Mayor Pro Tem Walters presented the following memo from Mayor York:

As my plans now stand, I will miss the afternoon session of our City Council meeting on Tuesday, April 5. Our charter return from Albuquerque is scheduled to arrive at 4:18 p.m. on Tuesday afternoon. I have discussed my absence with Mayor Pro Tem Walters and he will be presiding.

There are several items on the Agenda which I would like to mention. I would appreciate it if Mayor Pro Tem Walters would pass out copies of this memo at the beginning of the meeting and read it into the minutes. However, I completely understand that any action is up to those members who are present.

1. I request that I be excused from the meeting.

2. I request that the matter on Annexation be referred to the Annexation Committee for a report to Council on April 19. I believe we need to move forward on these annexations, however, there are items relating to the Telex annexation and the Mini-City annexation that may need some further discussion. I believe Mr. Upchurch has some thoughts along these lines.

3. I request the item on Durant Trails be referred to Public Works to review in detail this recommendation from our Planning Commission. I believe this matter can be approached on a positive basis, however, there has been a lot of input from citizens and I believe a detailed review by committee would be appropriate.

4. I request that Zoning Case Z-19-83 be referred to Comprehensive Planning for a report back on April 19. The Planning Commission has reviewed this matter very carefully and their recommendation certainly has merit. However, one item that should be reviewed is the parcel that is left at R-4 which would be the only R-4 on that side of Six Forks Road in the vicinity of this zoning case. The total case needs careful review.

5. I wish to commend the Appearance Commission on their report and their proposals for the future. Our Appearance Commission is making a major contribution to our City.

6. I request that the votes on the Boards and Commissions be deferred until the evening session.

7. As you know, we received two proposals for Cable TV service. I would recommend that the Attorney be primarily responsible for reviewing these proposals and that he work with our consultants, Spectrum and Fuqua, so he can make a recommendation to the Council at the May 3 meeting. I recommend that we appropriate $6,000 for the consultants' work which equals the total of the application fees which we received.

8. I will make my Mayor's Report at the evening session.

Thank you very much.

Mr. Edwards indicated there are a number of people in the audience and it might be that they would be here waiting on some of these items. He stated if it would be in order he would move that the Mayor's suggestion as outlined in 2, 3, 4 and 5 of his memo be upheld. Mr. Walters stated that would be up to the Council but he would rather bring up the Mayor's suggestions as we get to them. He stated that there were some people who requested to be heard on some of these items and he would just rather handle them one by one. Without objection Mr. Edwards withdrew his motion and it was agreed to discuss the Mayor's suggestions as the items appeared on the agenda.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Pro Tem Walters presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If the Council requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mr. Edwards REQUESTED THAT THE ITEM RELATED TO THE DELETION OF BOYLAN AVENUE - GLENWOOD AVENUE CONNECTOR BE WITHDRAWN FROM THE CONSENT AGENDA. Without objection the item was withdrawn. Mr. Upchurch MOVED THAT ADMINISTRATION'S RECOMMENDATION ON THE ITEMS ON CONSENT AGENDA BE UPHELD. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED. The items under Consent Agenda were as follows:

BUSINESS LICENSE APPLICATION - THE POWER COMPANY - APPROVED

This is a privilege license application for "Lamda Enterprises, Inc., d/b/a The Power Company," 3141 North Boulevard. The manager, David Wayne Joyner, Sr. The application was for a dance hall, private club with live entertainment, classified as a class two entertainment center. POLICE AND BUILDING/ZONING INSPECTIONS REPORTS INDICATE APPROVAL. Consent Agenda approval - Upchurch/Babb - 6 ayes.

CD LOAN - GRANT - APPROVED

A Community Development rehabilitation loan and grant application has been researched and reviewed according to the administrative procedures. ADMINISTRATION RECOMMENDS APPROVAL OF THE FOLLOWING LOAN AND GRANT: Case Number: B-81-MC-009, Jessie L. Douglas, 566 East Cabarrus Street, Loan Amount: $ 9,500.00, Grant Amount: $ 9,000.00. Consent Agenda approval - Upchurch/Babb - 6 ayes.

PARKS AND RECREATION - CAMP DURANT - GRANT ACCEPTANCE AUTHORIZED

The Wake County Parks and Recreation Commission has offered a grant of $18,500 to the City for work proposed at Camp Durant. ACCEPTANCE OF THE GRANT WITH PERMISSION TO BOOK THE GRANT IS RECOMMENDED. Consent Agenda approval - Upchurch/Babb - 6 ayes.

ORDINANCE NO. (1983) 84

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Park Improvement fund appropriations be increased to reflect acceptance of Wake County, N. C. grant for improvements to Camp Durant:

Revenue:	37-1-0025-100	Wake County - C. Durant	$18,500.00
Expense:	37-2-1125-201	Camp Durant Wake	$18,500.00

Adopted: 4/5/83

TARHEEL REGATTA - LAKE WHEELER - AUTHORIZED

The Optimist Club of Raleigh has requested the use of Lake Wheeler on June 17, 18, and 19, 1983, for their annual Tarheel Regatta. The use of the lake for this event has been approved by the staff, Parks and Recreation Board, Public Utilities Director and the Water Supply Branch of the State Human Resources Department. The contract has been reviewed and no suggestions or changes are proposed as it is basically the same as last year. APPROVAL OF THIS REQUEST IS RECOMMENDED. Consent Agenda approval - Upchurch/Babb - 6 ayes.

CETA CONTRACT MODIFICATION #2 - WAKE COUNTY PUBLIC SCHOOL SYSTEM - APPROVED

This is a request to authorize Modification #2 of the existing services contract with the Wake County Public School System. The purpose of this contract is to delete the cost for participant field trips, reduce cost for interpreter services, and increase cost for supplies and materials. The total amount of the contract, $27,000, does not change in view of this budget realignment. Except that which appears in the above explanation of the modification, all terms and conditions of this contract remain unchanged. IT IS RECOMMENDED THAT THE CITY COUNCIL APPROVE THIS CONTRACT MODIFICATION. Consent Agenda approval - Upchurch/Babb - 6 ayes.

CETA - OJT CONTRACT DEOBLIGATION - APPROVED

This is a request to deobligate funds which were contracted under an OJT contract (03-2-5419-100) with Taxidermy International. The employer has decided not to refill the vacated OJT slot. The amount of this contract to be deobligated is $890 for one Taxidermist Aide Trainee. ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL APPROVE THIS DEOBLIGATION. Consent Agenda approval - Upchurch/Babb - 6 ayes.

RESOLUTION NO. (1983) 197 TF 34

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following transfer is hereby approved in order to deobligate remaining unexpended funds under CETA, O.J.T. subcontract with Taxidermy, International due to vacant position not being refilled:

From:	03-2-5419-100	Taxidermy, Intl.	$ 890.00
To:	03-2-5400-535	O.J.T. Contingency	$ 890.00

Adopted: 4/5/83

UTILITY FIELD OPERATIONS CENTER - CONTRACT RETAINAGE REDUCTION - AUTHORIZED

Administration has received a request from Centurion Construction, Inc., general contractor on the Utility Field Operations Center, requesting that his retainage be reduced from 10% to 5%. The City has been advised by our architect that the quality of work and rate of progress on the project are quite acceptable, and the general contractor's work has progressed to a point of approximately 80% completion. ADMINISTRATION RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE THIS RETAINAGE REDUCTION. Consent Agenda approval - Upchurch/Babb - 6 ayes.

PULLEN PARK - PROPOSED RIDES CONTRACT - APPROVED FOR ADVERTISING

It was pointed out that the Parks and Recreation Department is interested in offering Pony Rides and Pedal Boat Rides on a contractual basis at Pullen Park. These activities would offer increased services to the patrons of the park and would bring in additional revenues for the City. The proposed agreements have been drafted by the City Attorney's office and are included with Council Members' Agenda packets. ADMINISTRATION RECOMMENDS THAT THE COUNCIL APPROVE THIS CONCEPT AND THE PARKS AND RECREATION DEPARTMENT ASKS PERMISSION TO ADVERTISE FOR BIDS. Consent Agenda approval - Upchurch/Babb - 6 ayes.

VISTA PROGRAM 1983-84 - GRANT APPLICATION - AUTHORIZED

On Thursday, March 24, 1983, the Grants Review Committee met to discuss the Human Resources Department's grant application for Fiscal Year 1983-84, Citizen Involvement Division, VISTA Program. The City's portion of this grant application ($19,500) has already been allocated in the Human Resources Department budget. The Human Resources Director has documentation to certify the agency's participation with the Human Resources Department, VISTA Program, concerning this project. IT IS RECOMMENDED BY THE GRANTS REVIEW COMMITTEE THAT CITY COUNCIL APPROVE THE FILING OF THIS GRANT APPLICATION FOR FOUR POSITIONS AND THAT THE MAYOR BE AUTHORIZED TO SIGN SAME. Consent Agenda approval - Upchurch/Babb - 6 ayes.

VARIOUS FRANCHISES APPROVED ON SECOND AND FINAL READING

During the March 15, 1983 Council Meeting, the City Council approved an application by Mrs. Claudette E. Sutton to change the name of her company from Triangle Express and Taxi Company to Tri-City Express Taxi Company, with it being pointed out that the purpose of this request was for name change only and ownership will remain the same. The change was approved on the first reading. On March 23, 1983 the City Council approved the following application for a Taxicab Owner's Permit on a first Consideration:

Kenneth Chatman, Tri-City Express Taxi Company (New Individual Owner's Permit)

William Patterson, Tri-City Express Taxi Company (New Individual Owner's Permit)

ADMINISTRATION RECOMMENDS APPROVAL OF THESE CHANGES RELATING TO TAXICABS ON A SECOND AND FINAL READING. Consent Agenda approval - Upchurch/Babb - 6 ayes.

BUDGET AMENDMENTS - HUMAN RESOURCES AND PARKS AND RECREATION - APPROVED

The Consent Agenda presented a budget amendment in the Human Resources Department in the amount of $15,158.00 to transfer DOL approved carry-over funds and establish preliminary summer budget. The Agenda also presented a budget amendment in the Parks and Recreation Department in the amount of $8,600.00 to provide funds to purchase souvenir caps depicting the Carousel Restoration for resale, to replace the equipment for monitoring water chemistry and quality. ADMINISTRATION RECOMMENDS APPROVAL OF THE BUDGET AMENDMENT IN THE HUMAN RESOURCES AND PARKS AND RECREATION DEPARTMENTS AS OUTLINED. Consent Agenda approval - Upchurch/Babb - 6 ayes.

ORDINANCE NO. (1983) 85

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY RALEIGH:

Section 1. That the 1982/1983 Budget be amended as follows to provide funds to purchase souvenir caps depicting Carousel Restoration:

Revenue:	18-1-0070-202	Pullen	$8,600.00
Expense:	18-2-0200-260	Off. & Other	$3,400.00
	18-2-0200-600	Water Chemistry Controller	$5,200.00

Section 2. That the Budget ordinance be amended as follows to transfer DOL approved carry over funds and establish preliminary summer budget:

Revenue:	03-1-5700-100	1982 SYEP	$15,158.00
Expense:	03-2-5700-131	Salaries-Services	$13,477.00
	03-2-5700-132	Fringes-Services	1,181.00
	03-2-5700-133	Travel-Services	500.00

Adopted: 4/5/83

CIVIC CENTER - RENT FREE USE - INFORMATION RECEIVED

The Consent Agenda indicated approval has been granted for the rent-free use of the Raleigh Civic Center for use by the Raleigh CETA Program to hold its Summer Youth Employment Program orientations and recognition luncheon. The following dates, times, and rooms have been arranged. June 29, 1983 - 9 a.m. until 5 p.m. - Meeting Room A; July 5 - 8, 1983 - 9 a.m. until 5 p.m. (daily) - Meeting Rooms A-1, A-2, VIP Lounge, B-1, B-2, and B-4; August 18, 1983 - 12:30 p.m. until 3:30 p.m. - Assembly Room 1. Approval has been granted for the rent-free use of Meeting Room A at the Civic Center on April 13, 1983, for a meeting of the Raleigh Tomorrow Task Force from 3 - 5 p.m. The items were received as information.

CETA OJT SUBCONTRACT - CITY MANAGER APPROVAL - INFORMATION RECEIVED

On March 23, 1983, the City Manager signed a subcontract with Moeco Transmissions and Auto Repair, which provides training for one person. The contract period is for three months and will have a total CETA cost of $1,625. The item was received as information.

CAPITAL FUND ITEM - RESTORATION OF SOUTHERN DAMS - FUNDS APPROPRIATED

The Agenda presented a Capital fund item in the amount $990,228.50 for the restoration of the Southern Dams. The Capital Fund Item is needed to allow award of contracts for dam restoration and provide funds for resident inspection. Later in the Agenda there was an item relating to the contract award. ADMINISTRATION RECOMMENDS APPROVAL OF THE CAPITAL FUND ITEM RELATING TO RESTORATION OF SOUTHERN DAMS. Consent Agenda approval - Upchurch/Babb - 6 ayes. See Resolution 198 TF-35.

CHANGE ORDERS - VARIOUS PROJECTS - APPROVED ADMINISTRATIVELY

The Agenda indicated the City Manager has approved various change orders relating to various projects according to Council procedure. CONCURRENCE WITH THE MANAGER'S RECOMMENDATIONS RELATING TO THE FOLLOWING ADMINISTRATIVE CHANGE ORDERS IS RECOMMENDED.

Fire Station #17 - Change Order #P-1 - Boykin Mechanical, Inc. - $487

Tennis Court Resurfacing - Roberts Park - Change Order - General - Howard B. Jones & Sons - $450

Public Utilities Field Operations Center - Change Order #M-1 - American Mechanical - $961.21

The Agenda listed the reasons for the change orders and the budget accounts that have been amended administratively. Consent Agenda approval - Upchurch/Babb - 6 ayes.

PW 1982-3 - GLENWOOD AVENUE SIDEWALK - CHANGE ORDER #2 - APPROVED

This is a change order which is a deduction of $8,230.43 which is needed to adjust the final quantities. The change order relates to Kirkpatrick Brothers Incorporated contract and the Agenda listed the budget accounts that would be amended if the change order is approved. ADMINISTRATION RECOMMENDS APPROVAL OF THE CHANGE ORDER AND TRANSFER. Consent Agenda approval - Upchurch/Babb - 6 ayes. See Resolution 198 TF-35.

NEUSE RIVER WASTEWATER TREATMENT PLANT - CHANGE ORDER #1 - APPROVED

This is a change order which is an addition of $2,060.23. It relates to the Neuse Wastewater Treatment Plant - Sludge Handling Facilities EPA Project C370419-02 and is change order #1 (Final) relating to Wells Electric Service, Inc. The change order is needed as additional wire and conduit necessitated by pre-existing field condition. The Agenda also outlined the budget accounts that would need to be amended if the change order is approved. ADMINISTRATION RECOMMENDS APPROVAL OF THE CHANGE ORDER AND TRANSFER AS OUTLINED. Consent Agenda approval - Upchurch/Babb - 6 ayes. See Resolution 198 TF-35.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ITEM CONCURRED WITH

Council members received in there Agenda packet a list of transfers which have been approved Administratively according to Council procedure. CONCURRENCE WITH THE MANAGER'S ACTION ON THE ADMINISTRATIVE TRANSFER IS RECOMMENDED. The transfers were as follows:

FROM	TO	AMOUNT
42-2-9010-292	42-2-9010-231	$400.00
01-2-4010-620	01-2-4010-703	958.00
01-2-4010-724	01-2-4010-703	40.00

		998.00
01-2-1040-001	01-2-1160-265	500.00
06-2-7060-269	06-2-7060-717	700.00
01-2-5020-700	01-2-5020-219	900.00
18-2-0800-227	18-2-0800-100	800.00
37-2-1090-101	37-2-1000-100	450.00
01-2-4040-700	01-2-4040-243	33.18
01-2-4020-224	01-2-4020-620	20.00
01-2-1230-601	01-2-1230-663	71.14
01-2-6010-607	01-2-6010-799	85.00
01-2-3030-706		550.00
	01-2-3030-231	50.00
	01-2-3030-213	500.00
01-2-1210-265	01-2-1210-213	300.00

FROM	TO	AMOUNT
01-2-6010-225	01-2-6010-226	650.00
18-2-0200-225	18-2-0200-258	800.00
18-2-0100-225	18-2-0100-258	800.00
01-2-6010-662	01-2-6010-641	33.42
01-2-6010-660	01-2-6010-640	15.84
18-2-0200-602	18-2-0200-705	22.96
01-2-1040-001	01-2-1100-230	400.00
01-2-1040-001	01-2-1100-230	400.00
42-2-9010-292	42-2-9010-213	300.00
19-2-8130-554	19-2-8130-227	250.00
43-2-4080-100	43-2-4100-213	75.00
01-2-6010-619	01-2-6010-647	82.55
01-2-5020-604	01-2-5020-716	195.00
01-2-5020-615	01-2-5020-716	7.00
		202.00
01-2-5100-600	01-2-5100-240	390.00
01-2-5100-703	01-2-5100-240	600.00
		990.00
01-2-5060-616	01-2-5060-260	200.00
18-2-0500-227	18-2-0500-701	63.00

Consent Agenda approval - Upchurch/Babb - 6 ayes.

TRANSFERS AND APPROPRIATIONS FROM WITHIN VARIOUS CONTINGENCIES - RESOLUTION AND ORDINANCE ADOPTED

The Agenda listed a number of transfers within various accounts and appropriations from various contingencies for purposes as stated therein. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRANSFERS AND APPROPRIATIONS FROM CONTINGENCIES AS OUTLINED. Consent Agenda approval - Upchurch/Babb - 6 ayes.

RESOLUTION NO. (1983) 198 TF 35

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 29, 1982, and include in the budget for the fiscal year ending June 30, 1983, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Seciton 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

	CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From	80-2-1050-101	Benson/Wheeler	$100,000.00
From	84-2-1050-000	Southside Dam Restoration	750,000.00
From	84-2-1210-000	North Hills Pumping	140,228.50
To	80-2-1050-102	Dam Restoration-Eng.	100,000.00
To	84-2-1050-101	Dam Restoration-Alarm	407,756.00
To	84-2-1050-201	Dam Restoration-General	478,472.50
To	84-2-1050-104	Dam Restoration-Misc.	4,000.00

Purpose: To allow award of contracts for dam restoration and provide funds for resident inspection.

From	31-2-1010-201	PW 1982-3	$ 8,230.43
To	31-2-1000-100	Sidewalk Bond	8,230.43

Purpose: Contract Change Order - Glenwood Avenue Sidewalk - PW 1982-3, Kirkpatrick Bros., Inc., #2.

From	81-2-1811-000	Sludge Handling	$ 2,060.23
To	81-2-1811-201	Sludge Handling Electrical	2,060.23

Purpose: Contract Change Order - Neuse River Wastewater Treatment Plant Sludge Handling Facilities, Wells Electric Service, Inc., #1.

From	43-2-4120-260	Office & Other	$ 1,111.00
To	43-2-4130-260	Office Supplies Relocation	200.00
To	43-2-4140-260	Office Supplies Demolition	100.00
To	43-2-4150-260	Office Supplies Acquisition	100.00
To	43-2-4150-229	Legal Ads - Acquisition	711.00

Purpose: To redistribute RHA budget.

From	43-2-9060-300	Rehab for Resale	$ 18,500.00
From	43-2-9070-300	Rehab Loans/Grants	16,000.00
To	43-2-9050-300	Relocation	34,500.00

Purpose: To provide funds to cover anticipated relocation expenditures in the South Park and Phase II, Stage II Redevelopment areas.

From	19-2-8390-534	Program Reserve	$ 4,000.00
To	19-2-8390-700	Equipment	4,000.00

Purpose: To supplement account to purchase kiln and associated equipment as needed.

From	06-2-7030-258	Chemicals & Drugs	$ 15,000.00
To	06-2-7030-227	Repairs to Other Equipment	15,000.00

Purpose: To provide additional operating funds for remainder of the operating year.

From	06-2-7060-610	Crawler Backhoe	$ 12,000.00
To	06-2-7010-228	Telephone	12,000.00

Purpose: To provide funds for remainder of fiscal year.

From	01-2-5020-700	Battery Charger	$ 1,365.00
To	01-2-5020-219	Light & Power	1,365.00

Purpose: To provide necessary funds for remainder of fiscal year.

From	01-2-5030-702	Refuse Collection Unit	$ 3,000.00
To	01-2-5030-219	Light & Power	3,000.00

Purpose: To provide funds for remainder of fiscal year.

From	01-2-5020-700	Battery Charger	$ 3,000.00
To	01-2-5020-226	Repairs to Equipment	3,000.00

Purpose: To renovate office furniture.

From	34-2-3805-100	Municipal Complex	$ 4,372.00
To	34-2-3805-113	Electrical Contractor	4,372.00

Purpose: Contract Change Order - Municipal Building - Bolton Corporation, #E-3.

From	34-2-3805-100	Municipal Complex	$ 5,498.64
To	34-2-3805-101	General Contractor	5,498.64

Purpose: Contract Change Order - Municipal Building - Mid-South Construction Company, #G-2.

Adopted: 4/5/83

ORDINANCE (1983) 86 TF 16

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That $600.00 of the General Fund Contingency appropriation, Code Account 01-2-1040-001, is hereby transferred from that appropriation and added to the appropriations made in the 1982/1983 budget ordinance as follows:

$600.00 to Code Account 01-2-1020-231, Travel, to supplement account to allow City Clerk to attend Annual Conference in Minneapolis, Minn., in May, 1983.

Adopted: 4/5/83

DAM RESTORATION BIDS - WARNING SYSTEM AWARDED TO BOLTON CORPORATION; DAM REPAIRS AWARDED TO WILSON CONTRACTING COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened on March 25, in the City Council Chambers for construction work associated with the Dam Restoration - Lakes Johnson, Benson, and Wheeler with results as follows:

Contract No. 1 - Warning System - Bolton Corporation - $407,756; AAA Electric Company - $471,110; J. W. Campbell Electric Company - $479,131; Watson Electric Contracting Company - $492,280. Contract No. 2 - Dam Repairs - Wilson Contracting Company - $478,472.50; J. F. Wilkinson Contracting Company - $572,735; Central Builders Corporation - $593,290; Evans, Ella and Associates - $633,220 (Math error, originally read $631,220). ADMINISTRATION RECOMMENDS AWARD OF THE WARNING SYSTEM CONTRACT TO BOLTON CORPORATION AND THE DAM REPAIRS TO WILSON CONTRACTING COMPANY. Consent Agenda approval - Upchurch/Babb - 6 ayes.

PUBLIC NUISANCE ABATEMENT BID - 700 CHURCH ROAD - BID AWARDED TO A. B. BOYETTE

Pursuant to advertisement as required by law, bids were received and publicly opened on March 1, 1983, for public nuisance abatement at 700 Church Road with results as follows: Holland and Sons - $2,200; A. B. Boyette - $1,750. ADMINISTRATION RECOMMENDS THAT THE BID BE AWARDED TO A. B. BOYETTE. Consent Agenda approval - Upchurch/Babb - 6 ayes.

BID REQUEST 82-53 - WOOD CHIPPER - BID AWARDED TO WOOD/CHUCK CHIPPER CORPORATION

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 28, 1983, for a wood chipper with the results as follows: Wood/Chuck Chipper Corporation - $10,987; Carvir Corporation - $11,382; The Vemeer Carolina Sales - $11,500; USI Equipment Corporation - $11,608. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY WOOD/CHUCK CHIPPER CORPORATION BE AWARDED. Consent Agenda approval - Upchurch/Babb - 6 ayes.

BID REQUEST 82-55 - CAB AND CHASSIS WITH STREET FLUSHER - BID AWARDED TO CARDINAL INTERNATIONAL AND A. E. FINLEY ASSOCIATES

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 28, 1983, for a cab and chassis with street flusher with results as follows: Cab and chassis - Cardinal International Trucks - $31,887.28; Charlie Wiygul Ford - $32,018.59. Street Flusher - A. E. Finley and Associates - $23,948: Public Works Equipment and Supply - $25,730; Mitchell Distributing Company - $25,986. ADMINISTRATION RECOMMENDS THE BID FOR THE CAB AND CHASSIS BE AWARDED TO CARDINAL INTERNATIONAL AND THE STREET FLUSHER TO BE MOUNTED ON THE CAB AND CHASSIS BE AWARDED TO A. E. FINLEY AND ASSOCIATES. Consent Agenda approval - Upchurch/Babb - 6 ayes.

BID REQUEST 82-56 - CARPET AND INSTALLATION - BID AWARDED TO TERRY'S FLOOR FASHIONS, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 28, 1983, for approximately 1,125 square yards of carpet to be installed at five community centers with results as follows: Terry's Floor Fashions, Inc. - $11,025; Carolina Builders Corporation - $12,712.50; Bell's Carpet Creations - $14,028.75; Raleigh Paint and Wallpaper - $14,695.50. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY TERRY'S FLOOR FASHIONS, INC., BE AWARDED. Consent Agenda approval - Upchurch/Babb - 6 ayes.

BID REQUEST 82-57 - FARM TRACTOR - BID AWARDED TO SENTER-SANDERS TRACTOR CORPORATION.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 28, 1983, for a farm tractor with results as follows: Senter-Sanders Tractor Corporation - $8,530; Revels Tractor Company, Inc. - $9,900; Knightdale Tractor Equipment Company - $10,238.40; Wendell Tractor and Implement Company, Inc. - $10,749. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY SENTER-SANDERS TRACTOR CORPORATION BE AWARDED. Consent Agenda approval - Upchurch/Babb - 6 ayes.

BID REQUEST 82-58 - TURF TRACTOR WITH SICKLE BAR AND FLAIL MOWER BID AWARDED TO REVELS TRACTOR COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 28, 1983, for a turf tractor with sickle bar and flail mower less tray. The results of the bids were as follows: Revels Tractor Company, Inc. - $11,500; and Senter-Sanders Tractor Corporation - $13,110. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY REVELS TRACTOR COMPANY, INCORPORATED BE AWARDED. Consent Agenda approval - Upchurch/Babb - 6 ayes.

BID REQUEST 82-59 - SEWER PIPE - BID AWARDED TO DAVIS METER AND SUPPLY COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on March 28, 1983, for assorted sizes of sewer pipe with results as follows: Davis Meter and Supply Company - $15,366.39; Pyco Supply Company, Inc. - $15,376.82; Nolan Company - $16,053.52; Ferguson Enterprises - $16,594.36. ADMINISTRATION RECOMMENDS THE LOW BID SUBMITTED BY DAVIS METER AND SUPPLY COMPANY BE AWARDED. Consent Agenda approval - Upchurch/Babb - 6 ayes.

PU 1983-6 - BLAND ROAD - RESOLUTION OF INTENT ADOPTED

It is recommended that approximately 650 feet of 8-inch sanitary sewer main be installed in Bland Road between Wake Forest Road and Trently Court at an estimated cost of $16,250 with assessment by front footage method apply. IT IS REQUESTED THAT THE CITY COUNCIL ADOPT A RESOLUTION OF INTENT AND SET A PUBLIC HEARING DATE FOR MAY 3, 1983. Consent Agenda approval - Upchurch/Babb - 6 ayes.

RESOLUTION NO. 1983-199

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SANITARY SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Crolina to direct that the sanitary sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sanitary sewer mains located and described as follows:

PU 1983-6 - Installation of 650 feet of 8-inch sanitary sewer main in Bland Road between Wake Forest Road and Trently Court.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 3rd of May, 1983, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: April 5, 1983

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Consent Agenda presented various changes in the Traffic Code of the City of Raleigh relating to no parking on portions of Bragg Street, Salisbury Street, and Wakefield Street. The Agenda also presented a recommendation for closing Peace Street between Blount Street and Halifax Street on Saturday, May 14, between 10:15 a.m. and 12:30 p.m. in order to facilitate the Peace College graduation. ADMINISTRATION RECOMMENDS APPROVAL OF THE TRAFFIC ITEMS AS OUTLINED ON THE AGENDA. Consent Agenda approval - Upchurch/Babb - 6 ayes.

ORDINANCE NO. (1983) 93

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Bragg Street, south side, from Spalding Street, westward 43 feet

Salisbury Street, east side, beginning at a point 103 feet south of Davie Street, southward-107 feet
Wakefield Street, east side, from Ashe Avenue to Whitley Street

Section 2. That Schedule No. 20A entitled "15 MINUTE PARKING ZONE" be amended by deleting the following:

Hillsborough Street, north side, west of Horne Street, 4 spaces

Section 3. That Schedule No. 20B entitled "30 MINUTE PARKING ZONE" be amended by adding the following:

Hillsborough Street, north side, west of Horne Street, 4 spaces

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective April 12, 1983.

Adopted: 4/5/83

ORDINANCE NO. (1983) 87

AN ORDINANCE TO TEMPORARILY AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Traffic Schedule of the City of Raleigh be and the same is hereby amended to prohibit motor vehicular traffic on Peace Street between Blount and Halifax Streets on Saturday, May 14, 1983, from 10:15 a.m. until 12:30 p.m.

Section 2. This ordinance shall be of temporary effect and shall be ineffective except at the times and on the dates specified in Section 1.

Section 3. This ordinance, being of a transitory nature, shall not be published in the permanent volume of the Traffic Schedule.

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Adopted: 4/5/83

Effective: See Section 1

END OF THE CONSENT AGENDA

BOYLAN AVENUE/GLENWOOD AVENUE COLLECTOR - POSSIBILITY OF DELETING FROM THE THOROUGHFARE PLAN - PROCEDURE AUTHORIZED MATTER REFERRED TO COMPREHENSIVE PLANNING COMMITTEE; ADMINISTRATION TO PROVIDE COUNCIL MEMBERS WITH TIME SCHEDULE

During the March 15, 1983, Council Meeting, the Council asked that a public hearing be set to consider whether Boylan Avenue will be deleted from the Thoroughfare Plan. After reviewing the proposal, Administration recommends that the following procedures be followed:

a. The Staff of the Planning Department and the Department of Transportation prepare a draft Comprehensive Plan Amendment including: an amendment statement, a map, and a resolution.

b. The draft amendment is reviewed by the Comprehensive Planning Committee and forwarded to the Council with a recommendation for a public hearing.

c. The Council authorizes a joint hearing with the Planning Commission.

d. Council and Planning Commission hold the public hearing after which the amendment is referred to the Planning Commission and the Transportation Advisory Committee and its Technical Coordinating Committee.

e. Council receives the recommendations of the Planning Commission and the Transportation Advisory Committee.

f. Council deliberates and submits a request to the North Carolina Board of Transportation asking that the City/NCDOT jointly adopted Thoroughfare Plan be amended as requested by the Council.

g. Council receives response from the North Carolina Board of Transportation and then amends City of Raleigh Comprehensive Plan accordingly.

Mr. Edwards indicated he had requested that this item be removed from the Consent Agenda. He indicated he agrees with the procedure and steps as outlined, however, he would just like some time frame as he does not want this project to fall by the wayside. Mr. Edwards MOVED THAT THE PROCEDURE AS OUTLINED IN THE AGENDA BE UPHELD AND THE MATTER REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE TO START THE PROCEDURE BUT REQUESTS ADMINISTRATION TO PUT A TIMETABLE ON THE STEPS OUTLINED IN THE AGENDA AND THIS BE PROVIDED TO ALL COUNCIL MEMBERS. His motion was seconded by Ms. Babb. Ms. Babb pointed out it is a lengthy procedure and she would like Administration to expedite it as quickly as possible. The motion as stated was put to a vote and passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

SPECIAL ITEMS

ANNEXATION - VARIOUS - REFERRED TO ANNEXATION COMMITTEE

Mayor Pro Tem Walters pointed out during the March 15, 1983, Council Meeting, public hearings were held on four (4) proposed annexations: North Boulevard Centre, U.S. 70 West - Duraleigh, The Shire Apartments, and Tower Commercial Center. Administration recommends that, if the City Council adopts annexation ordinances, that the ordinances become effective June 30, 1983, and that the Council adopt a resolution

placing the areas in the following electoral districts: North Boulevard Centre and Tower Commercial Center - District B; U.S. 70 West - Duraleigh - District E; The Shire Apartments - District D. Mayor Pro Tem Walters indicated this was one of the items included on the Mayor's memo and explained the Mayor requested that the matter on the annexation be referred to the Annexation Committee for report back to the City Council on April 19. Mr. Edwards MOVED THAT THE PROPOSED ANNEXATION AS OUTLINED BE REFERRED TO ANNEXATIONS COMMITTEE FOR REPORT BACK ON APRIL 19. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR PRO TEM RULED THE MOTION ADOPTED.

REPORT OF THE PLANNING COMMISSION

SUBDIVISION - S-27-83 - DURANT TRAILS - REFERRED TO THE PUBLIC WORKS COMMITTEE

Planning Commission Vice Chairman, Cliff Woodlief, presented the Planning Commission's recommendation. The first item was subdivision S-27-83 - Durant Trails.

This was a request for approval to subdivide a currently undeveloped 208 acre parcel, zoned Residential-6 (187.5 acres) and Conservation Buffer (20.5 acres), and develop as a Planned Unit Development with 522 single-family lots, 234 townhouse units and 58 patio homes, and the dedication of 15 acres of Greenway which includes the Conservation Buffer district. (The Code requires a minimum of five (5) acres of open space in a Planned Unit Development.)
The property is located on the east side of Litchford Road, south of Durant Road and bounded by Camp Durant on the southeast side, outside the City Limits.

CR-1893 from the Planning Commission recommended that (a) the 522 single-family lots be approved according to a map entitled, "Durant Trails," the property of Litchford Road Associates, drawn by Triangle Engineering Services, Incorporated, dated January 31, 1983, revised February 18, 1983, with the following conditions: (1) That the proposed sewage treatment facility along Simms Branch (Reedy Branch) east of Durant Nature Park be relocated in a mutually agreeable location to both the City and the developer; (2) that the sewage treatment facility be designed to accommodate the total upper drainage basin with possible phasing on construction of the treatment plant; (3) that the indicated sanitary sewer lines and mains on the plat will be dedicated to the City; (4) that a storm water management plan and program be developed that would insure that there would be a minimal adverse impact on Simms Branch (Reedy Branch) and ongoing Park programs at Durant Nature Park to be approved by the Conservation Division and Planning Department; (5) that the developer pay the initial cost for installation of sanitary sewer lines with reimbursements through acreage fees as the property is developed; (6) that the developer pay utility acreage fees as the property is developed; (7) that the developer pay a system development fee for each dwelling unit which will be determined later by the City and would be used to aid in the development of the sewer system to ultimately serve this basin; (8) that the City may add a user surcharge to aid in the capital cost associated with the ultimate service of sanitary sewer in this area; and (9) that the legal documents for the non-profit homeowner's association be reviewed and approved by the City Attorney's Office prior to recording the final plat; and (b) the concept of the townhouse and patio home areas showing the general location of 292 units (234 townhouse units and 58 patio homes) be approved with the following conditions: (1) that when this phase of the project is reached, the applicant resubmit plans for that area for approval by the Planning Commission and City Council; and (2) that those plans include a storm water management plan and program to achieve the objectives identified in condition (a) (4) above.

Mayor Pro Tem Walters indicated this was another item that the Mayor addressed in his memo and requested that it be referred to the Public Works Committee for review in detail. Mr. Edwards MOVED THAT S-27-83 - DURANT TRAILS BE REFERRED TO THE PUBLIC WORKS COMMITTEE. This motion was seconded by Mr. Upchurch. Mr. Walters indicated Council members did receive a letter and a formal request from Attorney Howell asking that he be allowed to speak to the Council. Mr. Edwards indicated he felt that the Attorney wrote the letter prior to the suggestion that the matter be referred to the Committee. Mr. Edwards stated that he had no objections to hearing from Attorney Howell but he feels it will have to be discussed in Committee. Attorney Howell indicated he has no problem with the item being referred to the Committee and he withdraw his request to speak. The motion as stated was put to a vote and passed unanimously.
REZONING - Z-19-83 - STRICKLAND, LEAD MINE, AND SIX FORKS ROADS - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Vice Chairman Woodlief representing the Planning Commission explained this request for rezoning. This was a request for approval to rezone approximately 99 acres from Shopping Center to Office and Institution-II (3.4 acres), Shopping Center to Residential-10 (3.9 acres), Residential-4 to Shopping Center (7.3 acres), Residential-4 to Residential-20 (11.3 acres), Residential-4 to Residential-10 (51.8 acres), Residential-4 to Office and Institution-II (17.3 acres), and Residential-4 to Conservation/ Buffer (4.6 acres).

CR-1894 from the Planning Commission recommended that (1) The portions from Residential-4 and Shopping Center to Office and Institution-II on the northwest corner of Strickland Road be approved as requested; (2) that the portions from Residential-4 and Shopping Center down the west side to Residential-10 be rezoned to Residential-6; (3) that the portions from Residential-4 to Residential-20 and Office and Institution-II south of the existing Shopping Center and abutting Lead Mine Road be rezoned to Residential-10; (4) that the proposed Conservation/Buffer and

Residential-10 portions on Lead Mine Road (west side), north of the School Board property be denied; (5) that the proposed Residential-10 portion west of the water tank on Six Forks Road be rezoned to Residential-6; and (6) that the Office and Institution-II and Shopping Center portions between Lead Mine Road and Six Forks Road be approved as requested.

Mayor Pro Tem Walters indicated this was one of the items addressed by the Mayor's memo. Mr. Edwards MOVED THAT REZONING APPLICATION Z-19-83 BE REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

COMMITTEES, COMMISSIONS, AND BOARDS

Committees, Commissions, and Boards - deferred to the night session of the meeting. At the request of Mayor York, the Council agreed to defer action on the Committees, Commissions, and Boards until the night session of the meeting.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

INSPECTIONS PROCEDURES - PUBLIC HEARING AUTHORIZED FOR MAY 3, 1983

Chairman Jordan reported Council Members received in their Agenda packets copies of proposed revisions to Section 7-4121 - Housing Code of the City of Raleigh. He stated the Law and Finance Committee RECOMMENDS THAT A SPECIAL HEARING BEFORE THE CITY COUNCIL AND THE PLANNING COMMISSION BE SCHEDULED FOR MAY 3, 1983 TO CONSIDER THE PROPOSED REVISIONS. On behalf of the Committee Mr. Jordan moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

SHELTER FOR HOMELESS - PUBLIC HEARING AUTHORIZED

Chairman Jordan reported Council Members received in their Agenda packets a proposed ordinance to allow the creation and location of emergency weather shelters. Mr. Jordan reported that the Law and Finance Committee RECOMMENDS THAT THIS PROPOSED ORDINANCE BE SCHEDULED FOR PUBLIC HEARING BEFORE THE CITY COUNCIL AND PLANNING COMMISSION ON MAY 3, 1983. On behalf of the Committee he moved a recommendation be upheld which was seconded by Mr. Calloway and passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

SHELLEY LAKE/SERTOMA PARK - RESOLUTION ENDORSING ORGANIZATION - ADOPTED

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THE CITY COUNCIL ADOPT A FORMAL RESOLUTION ENDORSING THE CONCEPT AND SUPPORTING THE CREATION OF A PRIVATE, NON-PROFIT ORGANIZATION KNOWN AS "FRIENDS OF SHELLEY LAKE/SERTOMA PARK." On behalf of the Committee he moved a recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously.

TRAFFIC - PARKING TIME LIMITS - HILLSBOROUGH STREET - CHANGES APPROVED

Chairman Jordan reported the Law and Finance Committee RECOMMENDS THAT THE FOUR 15-MINUTE METERED PARKING SPACES IN THE 2500 BLOCK OF HILLSBOROUGH STREET BE CHANGED TO 30-MINUTE PARKING SPACES. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Calloway and put to a vote which resulted in all members voting in the affirmative. Mayor PRO TEM RULED THE MOTION ADOPTED. See Ordinances 93.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

GARBAGE COLLECTION - PROPOSED CHANGE - CLARIFICATION IN ORDINANCE - ADOPTED

Chairman Edwards reported Council Members received in their Agenda packet a proposed ordinance to amend the City Code and clarify the intent of one section concerning the collection of garbage. This amendment would add residentially-owned attached multi-family dwellings of more than 10 units to a section of the Code. In the opinion of the Committee, the adoption of this Code amendment would clarify a section of the Code and would allow the option of individual back door pick-up collection for such areas as the Georgetown North Condominiums. On behalf of the Committee Mr. Edwards MOVED THAT THE AMENDMENT AS INCLUDED IN THE AGENDA PACKET BE ADOPTED. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 88

An ordinance to extend certain types of solid waste collection services to existing resident-owned, attached, multi-family dwellings of more than ten units; and

WHEREAS, the Raleigh City Council finds that the solid waste management ordinance does not provide the same solid waste collection services to existing resident-owned, attached, multi-family dwellings of more than ten units as it provides to existing resident-rented, attached, multi-family dwellings of more than ten units; and

WHEREAS, the criterion of the nature of ownership alone has no impact on the physical layout of the project, the quantity or quality of solid wastes generated by the residents, the storage requirements of such wastes, nor the ability of the City to provide solid waste collection services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA, THAT:

Section 1. The second paragraph of Section 7-3004 (a)(3)b of the Raleigh City Code is hereby repealed, rewritten and reenacted to read as follows:

"b. Resident-owned, resident-rented, attached, multi-family dwellings of more than ten units already constructed or for which building permits have been issued at the adoption of this chapter and improved for individual container service because of topography, physical setting or other such reasons."

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect; and to this end, the provisions of this ordinance are declared to be severable.

Section 4. This ordinance shall become effective immediately upon its adoption.

Adopted: 4/5/83

Effective: 4/5/83

REZONING - Z-2-83 - FAYETTEVILLE ROAD - APPROVED AS AMENDED

Chairman Edwards reported the Public Works Committee RECOMMENDS THAT A 10-FOOT CONSERVATION/BUFFER DISTRICT BE PLACED ALONG THE ENTIRE LENGTH OF FAYETTEVILLE ROAD AND ALONG THE NORTH PROPERTY LINE WITHIN THIS REQUEST AND THAT THE REMAINDER OF THE PROPERTY BE REZONED TO INDUSTRIAL-II AS REQUESTED. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 89 ZC 118

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Fayetteville Road, east side, between Hoke Street (if extended) and Summit Avenue, being a portion of Parcels 127 and 131, Tax Map 578, rezoned as follows:

A 10-foot Conservation/Buffer District placed along the entire length of Fayetteville Road within this request and along the north property line within this request and the remainder of the property rezoned to Industrial-II, according to a map on file in the City of Raleigh Planning Department. (Z-2-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective on the date of adoption, April 5, 1983.

Adopted: 4/5/83

Effective: 4/5/83

REPORT AND RECOMMENDATION OF THE MUNICIPAL BUILDING COMMITTEE

MUNICIPAL BUILDING - VARIOUS CHANGE ORDERS - APPROVED - FUNDS APPROPRIATED

Chairman Edwards reported the Municipal Building Committee RECOMMENDS APPROVAL OF THE FOLLOWING CHANGE ORDERS: E-3, BOLTON CORPORATION - $4,372.00 AND G-2, MID-SOUTH CONSTRUCTION COMPANY - $5,498.64. On behalf of the Committee he moved that the recommendation be upheld. His motion was seconded by Mr. Upchurch. Mr. Edwards called the Council's attention to a chart available at the meeting recapping all change orders to date. He indicated the total changes orders to date is $24,240.68. On behalf of the Committee, Mr. Edwards moved the change orders and appropriate transfer of funds as outlined be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED. See Resolution 198 TF-35.

MUNICIPAL BUILDING - ADDITIONAL ACOUSTICAL CONSULTING WORK FEE - AUTHORIZED

Chairman Edwards reported the Municipal Building Committee RECOMMENDS APPROVAL OF AN ADDITIONAL $125 FOR ACOUSTICAL CONSULTING WORK DONE BY BOLT BERANEK, AND NEWMAN,

INCORPORATED WITH THE SOURCE OF FUNDS BEING THE MISCELLANEOUS ACCOUNT FOR TESTING. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

MUNICIPAL PARKING DECK FINANCING - INFORMATION RECEIVED; ARCHITECT AUTHORIZED TO PROCEED

Chairman Edwards reported the Municipal Building Committee reviewed the estimated cost and funding sources and directed that Council be supplied that information. Council received a copy of the information in their Agenda packets which will become a part of the permanent minutes.

Chairman Edwards reported the Municipal Building Committee met earlier in the day and RECOMMENDS APPROVAL OF THE DESIGNED DEVELOPMENT PHASE AS PRESENTED BY THE ARCHITECT AND FURTHER RECOMMENDS THAT THE ARCHITECT BE AUTHORIZED TO PROCEED WITH WORKING DRAWINGS. Mr. Edwards pointed out from the information the Committee and Council received it seems we are very close to having enough to build the parking deck without the alternative of the fourth level at this time. On behalf of the Committee Mr. Edwards moved the recommendation be upheld. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE APPEARANCE COMMISSION - MADE LATER IN THE MEETING

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

COMMUNITY DEVELOPMENT PROPERTIES - TO BE ACQUIRED

The following items were recommended for the Real Estate Committee consideration:

(1) To approve two parcels to be acquired by condemnation through eminent domain to clear title as advised by CDBG Attorney.

	Parcel	Value	Date Value Established
a.	707 S. Person St. BO123-0010	$9,250.00	March 1, 1983
b.	500 Smithfield St.	$7,000.00	July 15, 1982

On behalf of the Real Estate Committee Chairman Walters moved the recommendation be upheld. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT PROPERTY ACQUISITION AND DISPOSITION PROCEDURES - APPROVED

Chairman Walters reported Council members received a standard procedure included in their Agenda packets relative to Community Development property acquisition and disposition procedures which is recommended for adoption. MR. WALTERS MOVED THE RECOMMENDATION BE UPHELD. His motion was seconded by Mr. Edwards and passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

METHODIST HOME PROPERTY - CONTINUED RENTAL OF THE COLE AND PAGE BUILDINGS - AUTHORIZED

Chairman Walters reported the City Council currently rents the Cole and Page Buildings on the Methodist Home Property to the Wake County School Board for $1,200 per month. He indicated the Real Estate Committee RECOMMENDS THAT THE CITY CONTINUE TO RENT THE TWO PROPERTIES FOR ONE ADDITIONAL YEAR. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Jordan and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

SOUTHEAST DISTRICT LAND USE PLAN - REFERRED TO MAY WORK SESSION

Chairman Calloway reported Council Members received in their Agenda packets a resolution endorsed by the Comprehensive Planning Committee relating to the continuing process for the Southeast Planning District. Council Members also received a "Land Use Plan Proposal for the Southeast Planning District." Mr. Calloway reported the Committee RECOMMENDS THAT THE SOUTHEAST DISTRICT LAND USE PLAN BE REFERRED TO THE APRIL WORK SESSION FOR A FULL EXPLANATION TO THE ENTIRE COUNCIL. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Edwards. City Manager Zachary pointed out the April Work Session Agenda is extremely full and if possible it would be good to hold this until the May Work Session. Brief discussion took place and Mr. Calloway and Mr. Edwards AMENDED THEIR MOTION TO INDICATE THAT THE MATTER WOULD BE REFERRED TO THE MAY WORK SESSION. The motion as amended was put to a vote and passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

INNER CITY SCHOOLS CLOSING - REMOVED FROM THE AGENDA

Chairman Upchurch reported the Intergovernmental Liaison Committee RECOMMENDS REMOVAL OF THIS ITEM FROM THE AGENDA WITH NO ACTION TAKEN. On behalf of the Committee he moved the recommendation be upheld. His motion was seconded by Mr. Jordan and passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE WORK SESSION

PUBLIC UTILITIES DEPARTMENT AND ADMINISTRATION - COMMENDED

During the March 17, 1983, Work Session, the City Council voted that the Public Utilities Director, Public Utilities Department, and Administration be given a vote of thanks and appreciation for the leadership and work they have shown in the Public Utility projects and facilities for the City of Raleigh. Mr. Upchurch MOVED THAT THE RECOMMENDATION OF THE WORK SESSION AS OUTLINED BE UPHELD. His motion was seconded by Mr. Jordan and put to a vote which passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

RALEIGH TOMORROW TASK FORCE CONTRACTS WITH HAMMER, SILER, GEORGE ASSOCIATES AND TISCHLER, MONTASSER AND ASSOCIATES - AUTHORIZED

The Agenda indicated the Staff has been negotiating contracts for technical assistance to the Raleigh Tomorrow Task Force with Hammer, Siler, George Associates and Tischler, Montasser and Associates. Copies of the contracts were included in the Agenda packets. IT WOULD BE APPROPRIATE FOR THE CITY COUNCIL TO AUTHORIZE THE MAYOR TO SIGN THESE CONTRACTS. Mr. Jordan moved that the Administration recommendation be upheld which was seconded by Mr. Calloway and passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

WATER AND SEWER EXTENSION - DUNN PROPERTY - AUTHORIZED

The City has received a request from James E. Dunn requesting permission to extend an 8-inch sanitary sewer main as well as a 6-inch water main to serve some property that he owns located on the south side of Pleasant Valley Road at its intersection with Glenwood Avenue. The plans for the extension of the water and sewer are in compliance with the City Standards. The sewer will be extended within an easement and a 20-foot sanitary sewer easement is being proposed for dedication. All of the proposed extensions are indicated on a map which was available at the meeting and explained by the Public Utilities Director. It should be noted that all work will be done in accordance to City Standards and the applicant for the owner will secure necessary State permits prior to construction. This property is outside of the City. IT IS RECOMMENDED THAT THE CITY COUNCIL APPROVE THE UTILITIES EXTENSION REQUEST AND ACCEPT THE DEDICATION OF THE SANITARY SEWER EASEMENT. Brief discussion took place on the exact location after which Mr. Jordan moved the Administration recommendation be upheld. His motion was seconded by Mr. Upchurch and passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

UDAG POCKET-OF-POVERTY RECERTIFICATION - AUTHORIZED

City Manager Zachary indicated Administration has been informed by the Greensboro HUD office that Raleigh must recertify its UDAG Pocket-of-Poverty area using new 1980 Census data. Council Members received a memorandum on this subject in their Agenda packets. City Manager Zachary presented a map showing the present Pocket-of- Poverty area pointing out that the City could extend this boundary and showed the possible extension boundaries. City Mayor Zachary indicated he would recommend that we stay with the present Pocket-of-Poverty area. He stated as he understands it, the City can amend the boundaries at a later date if it so chooses. He indicated it would be great to enlarge the area at this point but because of timing and the request for recertification he would recommend that we apply for recertification on the area as presently defined. Mr. Upchurch MOVED THAT THE COUNCIL APPROVE A RECERTIFICATION OF THE CURRENT POCKET-OF-POVERTY AREA. His motion was seconded by Mr. Calloway, and a roll call vote resulted in all members voting in the affirmative. THE MAYOR PRO TEM RULED THE MOTION ADOPTED.

COMMUNITY DEVELOPMENT - REHABILITATION CASE B-81-MC-010 - APPROVED

This was a Community Development rehabilitation loan and grant application which has been researched and reviewed according to the administrative procedures and is recommended for City Council approval. This rehabilitation case is located in a redevelopment area, but at the present time there is no funding available for the Method area in which this case is located. During the March 23, 1982, Council Meeting on the Community Development Budget, the Community Development Director indicated that if a hardship case was discovered in an area without rehab funding the Council would be requested to consider it on a case-by-case basis. This is such a case. The Finance Director did not recommend approval because of his concern that HUD might take an audit exception. Our Community Development Director has contacted HUD officials in Greensboro, and they have approved this proposal. The application is in the name of Dorothy Snellings, 3114 Wilder Street, Loan Amount $18,000.00, Grant Amount $9,000.00. APPROVAL OF THIS LOAN AND GRANT APPLICATION IS RECOMMENDED. Mr. Calloway moved that Administration recommendation be upheld which was seconded by Mr. Edwards. Ms. Babb questioned if we have approval from HUD in writing with City

Manager Zachary indicating we do not. Community Development Director Wray indicated he had talked with Bob Dennis and George Holmes and it is their opinion that we can do this any- way provided the City Council wants to do it. He pointed out it is a CD area, we just do not have funds allocated for that area. Mr. Walters questioned if the Finance Director still object. Ms. Babb indicated she did not want to be picky but just wondered if Mr. Dennis could follow up with a note just for the City's protection. Mr. Wray pointed out if this wasn't a CD area, we would have problems. It has been designated a conservation area and we just ran out of funds. The motion as stated was put to a vote and passed with all members voting in the affirmative. THE MAYOR PRO TEM RULED THE MOTION ADOPTED.

CAPITAL IMPROVEMENT PROGRAM - PRESENTED - SPECIAL WORK SESSION SCHEDULED FOR APRIL 14

Assistant City Manager Yates presented Council Members with a proposed Capital Improvement Program for 1983/84 through 1987 - 1988. He indicated the program is very similar to the ones presented to the Council in previous year and is about 95% consistent with the program adopted last year. He stated however there are two new areas in the Capital Improvement Program. One relates to Downtown Development and the other to Community Development. He indicated it is believed that it would be appropriate to include these two in the Capital Improvement Program. He pointed out in the CD area, particularly, it was felt it was good or appropriate to focus on the Capital Improvement Program or long-term, multi-year strategy. He indicated the future of revenue sharing is extremely critical in developing appropriate funding plans. He stated the program includes two alternatives. He stated without a new revenue sharing program we can look forward to bond sales to fund some $25 million in programs that are not covered, $14 million which are in the Waste Water Treatment area. He stated without Revenue Sharing he feels that we will be looking at several bond issues for revenues to fund the program. He stated if Revenue Sharing is renewed he feels that we will be able to fund the Waste Water Treatment needs with 2/3 bond sales. He pointed out the Administration is also suggesting if Revenue Sharing is renewed that we begin a Capital Reserve Funding Program in order to start a new kind of funding approach for Capital programs to make the City less dependent on bond referendums.

He indicated each year Administration tries to present the Capital Improvement Program and suggests that the Council review and make a decision on the Capital Improvement Program prior to the time that the Council receives the proposed operating budget. Therefore he would suggest that the Council plan to review and reach a decision on the Capital Improvement Program prior to May 17, pointing out he feels we will need to schedule a special Work Session to discuss the program or the Council may wish to schedule it for discussion at the Camp Durant Work Session the items that are scheduled at that Work Session are covered in the Capital Improvement Program.

City Manager Zachary stated that he would ask the Council to give serious thought to establishing a Revenue Sharing reserve and possibly consider "lending money" to the Public Utilities funds to be paid back at some rate accepted by the Council. Discussion took place as to when a special Work Session should be held, and it was agreed to hold the matter until the night session of the meeting when all Council Members were present to consider setting a date.

During the night portion of the Council Meeting with all Council Members present, it was agreed to hold a special Work Session for the Capital Improvement Program on April 14, 1983, 4:00 p.m. in the City Council Chambers.

CIS LEASING CORPORATION - COMPUTER EQUIPMENT - MAYOR AUTHORIZED TO SIGN AGREEMENT

City Manager indicated in October the City Council approved a lease agreement between the City of Raleigh and CIS Leasing Corporation for computer equipment. AUTHORITY IS NOW REQUESTED TO ADD ONE ADDITIONAL PIECE OF COMPUTER EQUIPMENT AND AUTHORIZATION FOR THE MAYOR TO SIGN ALL NECESSARY DOCUMENTS RELATING THERETO. City Manager Zachary briefly explained the equipment after which Mr. Jordan moved Administration's recommendation be upheld. His motion was seconded by Ms. Babb, and a roll call resulted in all members voting in the affirmative. THE MAYOR PRO TEM RULED THE MOTION ADOPTED.

TWIN PINES - SANITARY SEWER CONTRACT - BUDGET AMENDMENT AUTHORIZED

Public Utilities Director Butler indicated in April of 1980 the City entered into an agreement with Twin Pines Limited establishing means by which a sanitary sewer could be extended to their property located on Duraleigh Road. He indicated during the last Council Meeting, the City Council awarded a contract for the installation of the line subject to the money being received. He pointed out since that time he has received $20,000 and a letter of credit to make up the difference with the exception of $2,000 which in his opinion is a clerical error and will be reimbursed. Public Utilities Director Butler indicated he had prepared a budget amendment to allow the City to accept the funds and show increase in income and expenses so that we can go ahead and execute the contract. Mr. Jordan MOVED THE BUDGET AMENDMENT RELATING TO THE TWIN PINES CONTRACT FOR SANITARY SEWER INSTALLATION BE AUTHORIZED. His motion was seconded by Mr. Calloway and a roll call vote resulted in members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 90

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 Budget be amended as follows to reflect funding from Twin Pines, Ltd., for award of contract WS 1983-2:

Revenue:	81-1-2001-101	Twin Pines, Ltd. - Const.	$95,331.20
Expense:	81-2-2001-101	WS 1983-2	$95,331.20

Adopted: 4/5/83

NORTH CAROLINA STATE UNIVERSITY - CELEBRATION - REPORT RECEIVED

City Manager Zachary indicated last night, after the finals of the NCAA in which North Carolina State University won, was a very long night for all City employees involved. He indicated all Police and Fire personnel were called in. He pointed out there was a tremendous crowd estimated between 15,000 - 25,000 people participating in the celebration of the NCSU win. He indicated it was a huge group of people, and there was some damage but all in all he feels that the group was very orderly and the City was very fortunate. He stated the entire City staff worked extremely hard through the night, and he would like to commend them. The item was received as information.

REPORT AND RECOMMENDATION OF THE APPEARANCE COMMISSION

APPEARANCE COMMISSION ANNUAL REPORT AND PROPOSED PROGRAM - APPROVED IN CONCEPT - MATTER REFERRED TO COMPREHENSIVE PLANNING COMMITTEE

Norma Burns representing the Appearance Commission indicated Council Members received the Annual Report dated April 5, 1983 in their Agenda packet. The annual report included information on the projects undertaken by the Appearance Commission during the past year, City-wide appearance project status and a report on the questionnaire. She went through the report in detail. Ms. Burns then presented the proposed programs for FY 83-84 which involves a Street Tree and Street Beautification Program, a semi-annual Community Appearance Newsletter, promotion of a good Community Appearance Program and a City-wide Appearance Project - Community Appearance Survey. The proposed program outlined the work recommended Council action and the procedure the Appearance Commission will follow.
Mr. Walters indicated Mayor York in his memo had commended the Appearance Commission for their work. Mr. Edwards indicated that the Appearance Commission has done a fine job but pointed out there are some funding questions and he feels that maybe the Comprehensive Planning Committee should look at this. He pointed out it is a rather lengthy report and that maybe the appropriate place to study this report would be in the Comprehensive Planning Committee, as they are getting into a total review of all sections of the Comprehensive Plan. Ms. Burns suggested that maybe the Council could endorse the program and the recommendation go to Committee with Mr. Edwards indicating that is probably the action that will be taken but he feels that everyone should sit down and really understand what the proposed programs of the Appearance Commission are. After brief discussion, Mr. Edwards MOVED THAT THE CITY COUNCIL ENDORSE THE CONCEPT OF THE PROPOSED PROGRAMS IN THE APPEARANCE COMMISSION REPORT AND REFER THE REPORT TO THE COMPREHENSIVE PLANNING COMMITTEE FOR STUDY AND RECOMMENDATIONS. His motion was seconded by Ms. Babb and passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

TWIN PINES - RIGHT OF WAY EXCHANGE - ADVERTISEMENT AUTHORIZED

City Attorney McCormick indicated the City is in the process of acquiring right of way for the sanitary sewer easement to serve the Twin Pines area. He indicated in 1963 there was a subdivision on the property now owned by James L. and Alice V. Hatcher and an easement was dedicated. He stated it has now been found that that easement is unsuitable to use for this particular line and Mr. and Mrs. Hatcher have agreed to dedicate a new easement provided that the City release the old easement as shown on Lot No. 92, in Book of Maps 1963, Page 202. City Attorney McCormick indicated in order to proceed with this easement exchange he would RECOMMEND THAT THE CITY COUNCIL AUTHORIZE PUBLICATION OF A NOTICE OF INTENT TO EXCHANGE EASEMENT WITH THE HATCHERS. Mr. Jordan moved the Attorney's recommendation be upheld. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR PRO TEM RULED THE MOTION ADOPTED.

CABLEVISION REFERRED TO THE CITY ATTORNEY FOR REPORT BACK ON MAY 3 - BUDGET AMENDMENT AUTHORIZED

Mr. Walters questioned if the City Attorney had a report on Cablevision with Mr. McCormick indicating he did not. Mr. Walters indicated Item No. 7 on the Mayor's memo related to Cablevision and read as follows:

"As you know, we received two proposals for Cable TV service. I would recommend that the Attorney be primarily responsible for reviewing these proposals and that he work with our consultants, Spectrum and Fuqua, so he can make a recommendation to the

Council at the May 3 meeting. I recommend that we appropriate $6,000 for the consultants' work which equals the total of the application fees which we received." Mr. Edwards indicated he did not see the $6,000 going a long way. He stated he did not see in his opinion that we would need Spectrum and Fuqua at all of the meetings or at all times and he feels that we should give the City Attorney some flexibility. He stated he would like to refer the Cable proposals to the City Attorney, to work with Spectrum and Fuqua, as needed but again pointed out he did not feel that we necessarily needed both all the time. Mr. Jordan stated that is not the understanding he had when he discussed this matter with Mayor York, and therefore he would suggest it be referred to the night session of the meeting when the Mayor can be here. Mr. Jordan stated, in his opinion, he feels that we need an evaluation of both proposals from both consultants working through the City Attorney. Mr. Walters indicated he would suggest that we should not do anything to these cable proposals until someone in Administration gives a report. He stated at this point he has seen nothing and he would concur that we hold this item until the night session of the meeting. After other discussion Mr. Edwards MOVED THAT THE CABLEVISION ITEM BE BROUGHT UP AT THE NIGHT PORTION OF THE MEETING. His motion was seconded by Mr. Upchurch and passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

During the night session of the meeting, with all Council Members present, Mayor York read Item No. 7 from his memo. He indicated he was suggesting we go ahead and spend the $6,000 but he was suggesting that it would be the maximum and if there were any problems, the City Attorney could come back to the Council on April 19. He indicated it was his intention that both Spectrum and Fuqua make a report on the two proposals through the City Attorney but that the City Attorney would be the primary person responsible for looking at the reports. Mr. Edwards indicated that when the matter was discussed in the afternoon session they did discuss the $6,000 as being the maximum and he stated in his opinion rather than holding all the meetings at one time and having both consultants present he had proposed that the Mayor's Item No. 7 be amended by adding "...that he work with our consultants Spectrum and Fuqua as needed...". Mayor York indicated that is what he intented that the City Attorney work with both consultants as needed but that the Attorney request both consultants to give a report on both proposals. Mr. Edwards pointed out, however, the City Attorney would request whatever information he needed from the consultants. Mr. Walters indicated he did not inject his comments in the afternoon session of the meeting as he was presiding. He pointed out, however, he thought it would be highly unusual for the City Council to refer something like this to a staff member. He indicated all along the Law and Finance Committee had been working with Cablevision and he feels the matter should be referred back to the Law and Finance Committee and the City Attorney could advise that Committee. He stated the City Attorney and the consultants could advise the Law and Finance Committee as needed. Mayor York indicated this would be a staff analysis that would come back to the Council on May 3 with Mr. Walters suggesting that the matter be referred to Administration. He stated he just did not believe we should refer an item such as this to a staff member and let that staff member use consultants as he wishes. Mr. Edwards pointed out the City Attorney is an employee of the City Council and he doesn't consider that in the light that Mr. Walters is speaking of as staff or Administration. He indicated Mr. McCormick had handled the matter up until this point, and he is an employee of the City Council. He stated when Mr. McCormick comes back with his report, if it needs to be referred to a Committee, then he feels it should be referred to Work Session. Mr. Edwards MOVED THAT THE CITY COUNCIL APPROVE ITEM NO. 7 OF THE MAYOR'S MEMO AS EXPLAINED BY THE MAYOR AND WITH THE UNDERSTANDING THAT THE CITY ATTORNEY WOULD MEET WITH THE TWO CONSULTANTS AND THEY WOULD REPORT BACK TO THE CITY ATTORNEY WHO WOULD REPORT BACK TO FULL COUNCIL. Mr. Jordan questioned if the motion could be amended to state that both consultants would make an evaluation of both proposals with Mayor York pointing out anything the consultants do would be in the nature of an evaluation. Ms. Babb questioned if it is the intent that the consultant would make an evaluation that would be clearly identified as the work of that consultant, pointing out in the event that each consultant come up with a different opinion or interpretation, and the City Attorney with a third opinion or interpretation if they would be made clearly separate so the Council can tell which report came from which consultant. Mayor York indicated he felt that the City Attorney would be duly bound to share whatever any information any consultant gave him with the full Council. He indicated he foresees the City Attorney sitting down with the consultants, and they would make their reports on the proposals to the City Attorney for report to the full Council. Ms. Babb indicated she felt very comfortable with going through the City Attorney but pointed out she is convinced we need to be very careful in how we handle the substance and evaluation of the proposals. The motion as stated was put to a vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. (1983) 92

AN ORDINANCE TO AMEND THE 1982/1983 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1982/1983 budget be amended as follows to accept application fee and allow for consulting services by Spectrum and Fuqua of Cablevision proposal received:

Income:	01-1-0070-200	Misc. Income	$6,000.00
Expense:	01-2-1040-206	Cablevision Conslt.	$6,000.00

Adopted: 4/5/83

REPORT AND RECOMMENDATION OF MAYOR AND COUNCIL MEMBERS

DAWSON MCDOWELL/HAMMOND ROAD ISSUE - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

Mr. Calloway indicated on March 28, he sent a memo to the City Manager, Mayor and Council Members regarding the transportation improvements for the City of Raleigh. He indicated that he feels that we need to do whatever possible to bring about a decision and a choice of projects so that the work can continue. He indicated his memo does in no way play down the importance of the Dawson/McDowell Street project but outlines the importance of the Hammond Road project. He indicated he would ask for the Council to consider his memo at this time.

Mr. Upchurch indicated he did not realize this item would come up this afternoon; however, he thinks that both of these projects are top priority projects. He stated he has been listening, attending meetings and working on the transportation plan of the City for many years and has met with the DOT, TAC, etc. on many occasions as it relates to projects needed and desired throughout the state. He indicated that both of these projects had been listed, programmed etc. He indicated Dawson/McDowell right-of-way has been purchased and pointed out that if you study the design of U.S. 70 coming into Raleigh, it is seven lanes going into South Saunders Street. He stated Dawson/McDowell has been programmed and planned for years. He stated Hammond Road is very important to the City of Raleigh and over $1 million has been spent on Hammond Road thus far. He pointed out, however, if you study the funding programs of the State DOT, Hammond Road was one year further down the road than the Dawson/McDowell and the entire City of Raleigh is affected by
this street improvement. He explained the interchanges on the Beltway. He indicated from the meetings he had attended and the studies that have been made, it looks as if we were coming to the point of a decision being made. It was hoped that Dawson/McDowell would be approved as everything is planned for it. He explained other projects such as Timber Road, Harrison Avenue, etc. He indicated the right-of-way has been given for Hammond Road if the road is built within a two-year period. He stated he did not believe that the DOT will vote to build Hammond Road first. He stated he would like to see the City of Raleigh and its citizens push together for both as top priorities. He stated one will have to be built before the other as he does not feel that they will both be built simultaneously but he feels the City can say that both are top priorities. He called on everyone to stand united and try to get both roads built and push for both. He stated if we don't push for both and be united he feels that we might lose both.

Mr. Calloway indicated he would like to refer the Dawson/McDowell/ Hammond Road issue to the Comprehensive Planning Committee for evaluation and study. His motion was seconded by Ms. Babb. Mr. Walters indicated he had no objection but he feels that what Mr. Upchurch is saying is right; that is, if we are not united, he feels that we could lose both roads. He questioned if we are referring the possibility of changing our priorities to Comprehensive Planning. Mr. Edwards indicated as he understands the motion, the question of the Hammond Road and Dawson/McDowell would be referred to the Comprehensive Planning Committee for consideration or reevaluation. Mr. Upchurch indicated he would hate to see us take any action or make any statements that look as if or sound as if the City might be changing their minds on the priorities on road improvements. Mr. Walters indicated if we wanted to refer to Committee for study that is one thing, but if we are referring it for reevaluation that is another, with Mr. Calloway pointing out his motion was to refer it for reevaluation. Mr. Jordan made a substitute motion THAT THE ISSUE OF DAWSON/ MCDOWELL/HAMMOND ROAD BE REFERRED TO COMPREHENSIVE PLANNING. His substitute motion was seconded by Mr. Upchurch. Ms. Babb indicated the English language is very clear and concise. She stated she would hate to see the Raleigh City Council ever take an action that they would refuse to reevaluate. She indicated that if the Council said that they are going to reevaluate something that doesn't prelude changing the position it has taken before or leaving the position as it is. She indicated when you reevaluate something you just go back once again, think through the process, and say Oh, what we did is right, or Oh, what we did is wrong, and we need to change it. Mr. Edwards made another substitute motion that the item be tabled until after Item H on the night Agenda. This substitute motion did not receive a second. The substitute motion by Mr. Jordan was put to a vote and passed with all members voting in the affirmative except Ms. Babb who voted in the negative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

NEW BERN AVENUE - TREE REPLACEMENT - REFERRED TO ADMINISTRATION TO WRITE TO STATE

Mr. Walters indicated everyone is aware of the problem surrounding the removal of trees from New Bern Avenue by Southern Bell. He stated we had a contract with Southern Bell to replace the trees but we have run into a problem. He stated he would like TO REFER THIS ITEM TO ADMINISTRATION TO WRITE TO S. J. SYKES OF THE NCDOT OUTLINING THE FOLLOWING: 1. NUMBER AND TYPE OF TREES REMOVED ON NEW BERN AVENUE BY SOUTHERN BELL. 2. AGREEMENT WITH SOUTHERN BELL FOR REPLACEMENT OF THE TREES. 3. REVIEW OF STATE GUIDELINES OF TREES ALLOWED PER MEDIUM AND SPEED. 4. REQUEST PERMISSION TO REPLACE WITH TREES AVAILABLE AT AND RECOMMENDED BY THE CITY'S PARKS AND RECREATION DEPARTMENT. Without objection, the item was referred to Administration with the instructions as outlined by Mr. Walters to write to the State.

VIBRATION PROBLEMS - 405 ROBINHOOD LANE - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Walters indicated several years ago a utility line exploded in Robinhood Drive, and it was hurriedly repaired. He stated it is unlevel and there is a possibility of a dummy manhole. He indicated each time a CAT bus hits the manhole, the cups on the table at 405 Robinhood Lane shake. He stated he believes this problem could best be worked out in a Committee pointing out the problem is located at the corner of

Watkins and Robinhood Drive. After brief discussion THE PROBLEM WITH VIBRATIONS AT 405 ROBINHOOD DRIVE WAS REFERRED TO PUBLIC WORKS COMMITTEE.

VISION PROBLEM - CREEDMOOR/LEESVILLE ROAD - REFERRED TO ADMINISTRATION

Mr. Edwards indicated there is a night vision problem at the intersection of Creedmoor/Leesville Road. He indicated as a person is traveling north on Creedmoor Road, it is hard to see the approaching cars. He indicated he did not know if we needed additional lights or just what the problem is but there is a problem in seeing approaching cars. He stated he does not believe it has anything to do with the shopping center. Mr. Jordan indicated there is a sight distance problem at this intersection in the daytime. Mr. Edwards pointed out at night you can see the top of the cars but he does not know exactly what will help the situation. He stated he would like Administration to look into the problem. Without objection ADMINISTRATION WAS ASKED TO LOOK INTO THE NIGHT VISION PROBLEM AT THE INTERSECTION OF CREEDMOOR/LEESVILLE ROAD.

STORM DRAINAGE PROBLEM - 1800 RIDGE ROAD - REFERRED TO ADMINISTRATION

Mr. Upchurch indicated he would like for Administration to look into a drainage problem at 1800 Ridge Road. He indicated this is located right at CP&L Pole No. 128. He pointed out the storm drainage pipe can be completely full with the road dry. He pointed out this is the location of our swimming pool in this area and pointed out he feels that someone needs to look into the storm drainage pipe as it does not drain the water properly. Without discussion THE STORM DRAINAGE PROBLEM AT 1800 RIDGE ROAD WAS REFERRED TO ADMINISTRATION.

DOROTHEA DIX - INFORMATION RECEIVED

Mr. Upchurch gave a brief report on the last Dorothea Dix Committee meeting. He indicated at the Committee Meeting they were informed there would be no need to use a portion of the Dorothea Dix property for prisoners as they would be going to McCain. He explained how the use of the property would be utilized as explained during the meeting, however, the next day they learned that the report given at the meeting was not completely accurate. He indicated it seems to him that the Committee was misled and he just wanted to report this to the full City Council.

REPORT AND RECOMMENDATION OF THE CITY CLERK

INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS - CLERK AUTHORIZED TO ATTEND - FUNDS APPROPRIATED

Mr. Walters indicated Council members had received a memo from the City Clerk asking permission to attend the 37th Annual Conference of the International Institute of Municipal Clerks in Minneapolis, Minnesota, on May 22-28, 1983. He read the memo in full indicating that the Clerk would need an appropriation of $600 to attend the meeting. Mr. Edwards MOVED THAT THE CLERK BE AUTHORIZED TO ATTEND THE ANNUAL CONFERENCE IN MINNEAPOLIS AND AN APPROPRIATION OF $600 FROM COUNCIL CONTINGENCY BE AUTHORIZED. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.
SURPLUS PROPERTY - 309 SOUTH STATE STREET - RESOLUTION ADOPTED

During the February 1, 1983 Council meeting, the City Council at the recommendation of the Real Estate Committee, declared property 309 South State Street as surplus and authorized it for sale through the negotiated offer, upset bid method with a minimum price of $2,500. The process has been followed and all IT IS RECOMMENDED THAT THE CITY COUNCIL ADOPT A RESOLUTION AUTHORIZING THE SALE OF THE PROPERTY, KNOWN AS 309 SOUTH STATE STREET TO THELMA D. BANKS FOR A TOTAL OF $2,500. Mr. Jordan moved the Clerk's recommendation be upheld which was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR PRO TEM RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 201

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF RALEIGH

WHEREAS, the City of Raleigh has acquired certain real property, said property being described more fully as follows:

> 309 South State Street, Block B-16, Lot 5, according to the Wake County Tax Map. This property is zoned Residential-2 and contains 4,000 square feet.

WHEREAS, Thelma D. Banks has offered to purchase said property for the price of $2,500; and

WHEREAS, Chapter 160A-266 et. seq., of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

1. That the City Council on April 5, 1983 ascertained that all requirements of Chapter 160-266 et. seq., have been followed in the proposed sale of the above described property.

2. That the City of Raleigh will sell the herein before described property to Thelma D. Banks for the sum of $2,500.

Adopted: 4/5/83

MINUTES - MARCH 15, 1983 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received in their Agenda packet copies of the March 15, 1983 Council meeting minutes. Mr. Jordan MOVED THE MINUTES OF THE MARCH 15, 1983 MEETING BE APPROVED AS PRESENTED. His motion was seconded by Mr. Edwards and put to a vote which passed unanimously. MAYOR PRO TEM WALTERS RULED THE MOTION ADOPTED.

ADJOURNMENT

There being no further business, Mayor Pro Tem Walters ruled the meeting adjourned at 3:00 p.m to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

ELL/CC1

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, April 5, 1983, at 7:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor York, Presiding
Ms. Babb
Mr. Calloway
Mr. Edwards
Mr. Jordan
Mr. Keller
Mr. Walters
Mr. Upchurch

Mayor York called the meeting to order indicating there were several items held over from the afternoon session of the meeting that would be considered prior to going into the regular meeting.

SPECIAL AWARDS

NCSU VICTORY - ACKNOWLEDGED

Mayor York and Councilman Keller indicated they had just returned from the NCAA Finals in which the North Carolina State Wolfpack was victorious. He presented a copy of the Albuquerque Journal and a copy of the Final Four Program for the permanent City files. Mayor York expressed congratulations to the Wolfpack.

Mayor York indicated one of the chief Wolfpack fans was not able to be at the tournament. He called on John Baker, Sr. and presented Mr. Baker with an autographed ticket to the Final Four as well as a Wolfpack pen.

Mayor York indicated when the North Carolina Wolfpack won the ACC a proclamation proclaiming Wolfpack. Month plus four was proclaimed. He indicated this went through the month of March and four days into April to cover the NCAA finals. He stated that since the Wolfpack was victorious in the NCAA finals that we would extend the proclamation through the month of April.

COMMITTEES, COMMISSIONS, AND BOARDS

FAIR HOUSING HEARING BOARD - H. B. PICKETT APPOINTED

The City Clerk reported the term of H. B. Pickett expires May 2, 1983, and he has been nominated for reappointment and nominations have been not been closed. THERE BEING NO FURTHER NOMINATIONS, MR. CALLOWAY MOVED THAT NOMINATIONS TO THE FAIR HOUSING HEARING BOARD BE CLOSED AND MR. PICKETT APPOINTED BY ACCLAMATION. The motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

YOUTH COUNCIL ADVISORY BOARD - LIANDA TAYLOR - APPOINTED

The City Clerk reported one vacancy due to the resignation of Steve Rea. Lianda Taylor has been nominated for appointment and nominations have not been closed. THERE BEING NO NOMINATIONS, MR. UPCHURCH MOVED THAT NOMINATIONS TO THE YOUTH COUNCIL ADVISORY BOARD BE CLOSED AND LIANDA TAYLOR APPOINTED BY ACCLAMATION. The motion was seconded by Mr. Keller and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

CIVIL SERVICE COMMISSION - WILLIAM H. BINGHAM TO BE APPOINTED TO FOUR YEAR RESIGNATION ANNOUNCED

The City Clerk indicated during the last Council meeting William H. Bingham and Allie Peebles were reappointed to the Civil Service Commission. The Clerk indicated according to the enabling legislation these appointments should be for a four-year term. The City Council policy is for a two-year term. The Clerk indicated the Council may want to ask the City Attorney to speak to the question pointing out she needs clarification as to whether these appointments are for four-year terms or two-year terms. The Clerk indicated since the last meeting and since the reappointment of these people to the Commission she understands that Allie Peebles has submitted her letter of resignation as she will be employed by the City. Therefore, there is one vacancy, but the Council does need to make a clarification on the terms. Discussion took place after which MR. EDWARDS MOVED THAT THE ENABLING LEGISLATION AND THE TERM BE FOR FOUR YEARS. This motion was seconded by Mr. Calloway and put to a vote which passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

DOWNTOWN ADVISORY COMMITTEE - ADDITIONAL NOMINATIONS

The City Clerk indicated during the last Council meeting the Council confirmed 15 nominees from the various groups as members of the Downtown Advisory Committee. She indicated Council members received in their Agenda packet a list of these appointments. Since that time, the Appearance Committee has nominated Norma Burns as their representative and it would be appropriate to confirm her appointment. Mr. Edwards MOVED THAT NORMA BURNS BE APPOINTED TO THE DOWNTOWN ADVISORY COMMITTEE REPRESENTING THE APPEARANCE COMMITTEE. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

The City Clerk indicated there are four at large slots on the Downtown Advisory Committee and nominations include Oakley Herring, Betty Twiggs, Clarence Coleman,

Burnie Reaves, and Bill Rustin. Nomination have not been closed. Mr. Upchurch nominated Frank Anderson, Jr. Mr. Edwards nominated Oppie Jordan. No further action was taken.

PRIVATE SECTOR HOUSING COMMITTEE - APPOINTMENTS MADE

The City Clerk indicated this is to be a nine person committee. She indicated during he last Council meeting Mayor York had suggested the appointment of the following: Bank Representative - Jim Mims also to be named chairman; Savings and Loan Representative - Frank Gailor; Citizens - at large - J. J. Sansom and Oppie Jordan. The Clerk indicated at the Council's request five organizations had been contacted and asked to submit a recommendation for this committee. The following has been received: Home Builders Association - Bobby Collins; CAC Representative - Peter Rumsey; Downtown Development Corporation - Donald H. Carpenter; Raleigh Housing Authority - Floyd T. Carter; and DHIC Edwina Thompson.

The City Clerk indicated it would be appropriate to confirm the recommendations made by the various organizations as well as the recommendation made by the Mayor. Mr. Calloway MOVED THAT THE RECOMMENDATION AS OUTLINED BY THE CLERK BE ACCEPTED AND THESE PEOPLE BE APPOINTED TO THE PRIVATE SECTOR HOUSING COMMITTEE. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

Mayor York indicated to City Manager Zachary that we need to get a meeting set up possibly within the next three weeks for this committee. He stated prior to the meeting we need to get a charge worked out so that the work of the committee will be very clear.

GREENWAY COMMISSION - NOMINATIONS MADE

The City Clerk indicated the term of Leon Lucus expires May 19, 1983. He is eligible for reappointment and his attendance record is good. No nominations have been made. Mr. Upchurch nominated Mr. Lucus for reappointment. No further action was taken.

REPORT OF MAYOR

CAMP DURANT WORK SESSION - AGENDA SET: ITEMS SCHEDULED FOR APRIL WORK SESSION - DEFERRED UNTIL MAY

Mayor York indicated there has been some discussion about how the Agenda for the Camp Durant Work Session should be set up. He indicated it is his feeling that if we would start the all day Work Session with an economic report from Finance Director Hill or someone designated by the City Manager and then go into the Council reports as previously outlined and that would take an entire day. Therefore, he would suggest THAT THE ITEMS ORIGINALLY SCHEDULED FOR THE APRIL WORK SESSION BE DEFERRED TO THE MAY WORK SESSION AND THE CAMP DURANT SCHEDULE BE AS APPROVED PREVIOUSLY. Without objection this was agreed to.

MOVIE PREMIER - BRAINSTORM - RESOLUTION ADOPTED

Mayor York indicated he and the City Manager have been working together with the Governor on the possibility of getting the World Premier of Brainstorm to be held in Raleigh at the Memorial Auditorium. He presented a proposed resolution suggesting the possibility of the premier being held in Raleigh. Mr. Upchurch MOVED THE ADOPTION OF THE RESOLUTION RELATING TO THE PREMIER OF THE MOVIE "BRAINSTORM" AS PRESENTED BY THE MAYOR. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION 1983-207

WHEREAS, North Carolina is the most beautiful state in the nation, offering almost limitless opportunity for scenic locations for use by the movie producing industry in general; and,

WHEREAS, Governor James B. Hunt, Jr., and local government officials are active participants in a concerted effort to attract film making to North Carolina and offer wholehearted support and cooperation to those who do elect to produce films within our boundaries; and,

WHEREAS, Raleigh is the Capital City of North Carolina, the seat of City and County government and, therefore, the showcase for art, entertainment and culture for the entire state; and,

WHEREAS, Raleigh, as the largest city in the Research Triangle, offers the very finest amenities including its beautiful Civic Center Complex as well as a variety of convenient and luxurious hotel and motel accommodations; and,

WHEREAS, Raleigh was selected as the setting for much of the footage shot by Metro-Goldwyn-Mayer for the movie, "Brainstorm"; and,

WHEREAS, the citizens of Raleigh privileged to work with this movie's beautiful star, Natalie Wood, took her into their hearts and mourned her untimely death;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Raleigh that we strongly urge that Metro-Goldwyn-Mayer choose Raleigh as the location for the world premier of "Brainstorm" and that this gala celebration take place at the Raleigh Civic Center Complex;

AND, FURTHERMORE, assure a warm welcome to the officials of MGM and all others who wish to attend this event and extend to all the courtesy and hospitality of our city.

Adopted: 4/5/83

STREET IMPROVEMENTS - BENSON DRIVE - REFERRED TO PUBLIC WORKS COMMITTEE

Mayor York indicated in a recent informational memo from the Manager there was some discussion about construction of Benson Drive. Brief discussion took place after which MAYOR YORK MOVED THAT THE ITEM RELATING TO STREET CONSTRUCTION ON BENSON DRIVE BE REFERRED TO PUBLIC WORKS COMMITTEE. The item was so referred.

AFFIRMATIVE ACTION GOALS - REFERRED TO LAW AND FINANCE COMMITTEE

Mayor York indicated Council members recently received a memo on the City of Raleigh's Affirmative Action goals. Mayor York SUGGESTED THAT THE AFFIRMATIVE ACTION GOALS BE REFERRED TO THE LAW AND FINANCE COMMITTEE FOR REVIEW AND RECOMMENDATION. Without objection the item was so referred.

CIVIL SERVICE COMMISSION - PROPOSED BILL - RESOLUTION OF OPPOSITION ADOPTED

Mayor York indicated a bill has been introduced in the General Assembly relating to the promotion process and the powers available to the Civil Service Commission in the City of Raleigh. He explained the proposed amendment would allow the Civil Service Commission to order that a person be given the next available position should the Commission find that a person was unfairly not promoted. He indicated the City Council had discussed this previously and it was felt by the Council that this would go against the merit principle. Mayor York presented a proposed resolution relating to the City's position of opposition to this proposed bill. Mr. Upchurch indicated the resolution expresses the Council's position very adequately. Therefore, HE WOULD MOVE ADOPTION OF THE RESOLUTION RELATING TO THE CITY'S OPPOSITION TO THE PROPOSED AMENDMENT TO THE CIVIL SERVICE COMMISSION ENABLING LEGISLATION. His motion was seconded by Mr. Edwards and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 208

BE IT RESOLVED BY THE CITY COUNCIL assembled this date of Tuesday, April 5, 1983, in regular session that:

1. The City Council of the City of Raleigh respectfully objects to the expressed intentions of the Wake delegation to the General Assembly to introduce a local bill which would amend the Raleigh Civil Service Act by expressly giving the Civil Service Commission the power to grant additional remedies in personnel appeal cases involving promotions; specifically, allowing the Civil Service Commission to mandate that the appealing employee be given the next available promotion in the department.

2. The City Council bases its position on a careful evaluation of this question and on the following fundamental factors:

   a. The City government personnel system is based on the merit system with promotions being granted to the most qualified individual.

   b. If an individual employee appeals to the Civil Service Commission that the merit system was violated, then the Commission should determine if the most qualified applicant was promoted to the specific position in question and any remedies should be restricted to the specific case in question.

   c. Future promotions must be also based on the merit system with the most qualified applicant from the list of <u>all</u> qualified employees being selected.

   d. The preemptory action of giving an employee the next available promotion is contrary to the merit system and is a personnel action which even the City Manager would not have the authority to take.

   e. The preemptory action of giving an employee the next available promotion would breach the merit system protection which covers all other employees who are eligible for the respective promotions.

   f. In various promotion conditions within the City organization, a large number of employees are qualified for the position under consideration and the granting to an employee a guaranteed promotion without the consideration of all the others who may not have appealed to the Commission would deprive the City Administration of the opportunity to give fair and equitable attention to all qualified applicants and to select the most qualified person to fill the position that is

ultimately responsible for the efficient and effective delivery of services to the citizens of this City.

Case In Point

The City's promotions are guided by written procedures which are available to all employees. In many cases, especially in the Police and Fire Departments, a large number of employees are qualified for various promotions. Any qualified employee may ultimately appeal to the Civil Service Commission. However, the specific employee may be ranked substantially lower in priority than a number of individuals who do not appeal. Thus, the granting of a preemptive promotion to a future vacancy would:

1. Violate the merit system; and

2. Appoint a person who is not the most qualified.

Adopted: 4/5/83

COUNCIL MEETING - APRIL 19 - TO BE BEGIN AT 2:00 P.M.

Mayor York indicated the Airport Authority is having its Runway Dedication on April 19, at 12:00 noon. He indicated all Council members have been invited to attend this dedication; however, it conflicts with the City Council meeting that begins at 1:00 p.m. on April 19. Mayor York suggested that maybe, under these unusual circumstances, that the City Council meeting could be delayed and started around 1:30 or 2:00 p.m. in order to allow Council members to attend the Runway Dedication. Mr. Edwards MOVED THAT THE APRIL 19, 1983 COUNCIL MEETING BE DELAYED UNTIL 2:00 P.M. His motion was seconded by Ms. Babb and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Brief discussion took place on the fact that the Airport Authority scheduled the dedication at the same time of the regular Council meeting. Mr. Calloway suggested the possibility of the City Manager getting the Council van to take those Council members to the Airport Dedication and back to the Council meeting.

REQUESTS AND PETITIONS OF CITIZENS

ROAD RACE - 1983 PULSEBEAT - AUTHORIZED

John Cashwell, representing the 1983 Pulsebeat 10K Road Race Committee, was at the meeting to request permission to utilize City streets to conduct the annual race on May 14, 1983. Council members had received a copy of the race route and information concerning the road race.

City Manager Zachary indicated the Police Department has reviewed this and has no objection to the race being conducted along City streets as sponsors have agreed to employ 6 off-duty Police Officers for traffic control and have agreed to provide, install, and remove any necessary barricades. Mr. Edwards MOVED THAT THE UTILIZATION OF THE CITY STREETS BE AUTHORIZED WITH THE CONDITIONS AS OUTLINED BY THE MANAGER. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

BED RACE - UTILIZATION OF CITY STREETS - AUTHORIZED

James H. Brown, Jr., representing the Raleigh Jaycees MDA, was at the meeting to request permission to close approximately two blocks of City Streets in the Cameron Village area for approximately three hours on April 16, 1983, at 9:00 a.m. for the purpose of having a bed race to benefit the Muscular Dystrophy Association. Mr. Brown indicated this is the third year for the race but the first year the Jaycees have been involved in it. City Manager Zachary indicated a memo from the Police Department indicates no objection to this use of City streets and since the purpose being to support Muscular Dystrophy research, the Police Department can provide the necessary police protection with on-duty personnel without the necessity of the sponsors to employ off-duty officers. The race sponsors should be expected to provide, install and remove any needed barricades or traffic cones. Mr. Upchurch MOVED THAT CITY STREETS BE AUTHORIZED FOR USE IN THE BED RACE TO BENEFIT THE MUSCULAR DYSTROPHY ASSOCIATION AS OUTLINED BY THE MANAGER. His motion was seconded by Mr. Calloway and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

EASEMENT EXCHANGE 7104 HICKORY NUT DRIVE - ADVERTISEMENT AUTHORIZED

James R. Whited, III, 7104 Hickory Nut Drive, was at the meeting to request that the Council vacate a portion of the drainage and sanitary sewer easement that is in conflict with a proposed addition to his house at 7104 Hickory Nut Drive. He indicated that Council Members had received a map showing the area of approximately 8 square feet that he requested the Council to vacate. He indicated the planned addition would be approximately 12 feet from the drainage pipe and 18 feet from the sanitary sewer. City Manager Zachary indicated the Utilities Department has indicated that they have no objections to the request. The Public Works Department also voiced no objection. Brief discussion took place with City Attorney McCormick indicating proper procedure would be to exchange easement. Mr. Whited indicated he would have no objection to exchanging easement. Mr. Edwards MOVED APPROVAL OF THE EASEMENT EXCHANGE PROVIDED THE LEGAL PROCEDURE IS FOLLOWED. His motion was seconded by Mr. Upchurch and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

SNELLING SUBDIVISION - REQUEST FOR OVERHEAD WIRING - REFERRED TO PUBLIC WORKS COMMITTEE

Earl R. Purser indicated his wife owns property known as the Snelling Subdivision on 401 South. He indicated this property is the area that was battled back and forth between the City and the County as far as jurisdiction is concerned. He pointed out one lot was sold in December, 1981 and another lot was sold in 1980. He pointed out the subdivision map was filed June, 1981. He indicated he realizes the code requires underground wiring but he is requesting permission to have his wiring installed overhead. He indicated if they have to put the wires underground, it will be very expensive and it will be the only wiring in this area that is underground. City Manager Zachary indicated the City Council has not varied from policy except where high power lines prohibited them from going underground. Mr. Walters pointed out as he understands it, if this had stayed in the County, there would be no question that the lines could be overhead. Mr. Edwards stated he did not want to vary code requirements without study, therefore, HE WOULD MOVED THAT THE REQUEST FOR OVERHEAD WIRING IN THE SNELLING SUBDIVISION BE REFERRED TO PUBLIC WORKS COMMITTEE. His motion was seconded by Mr. Walters and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

LIBRARY SYSTEM - RALEIGH LIBRARY ADVISORY BOARD RECOMMENDATION - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Attorney Clyde Holt, Chairman of the Raleigh Library Advisory Board, indicated a few months ago, the Library Board came before the Council to report that policy-making decisions and responsibilities and budget matters would lie with Wake County and they asked whether the Raleigh City Council wanted the Library Board to continue their efforts. He stated at that time they were told to stay intact while the transition was taking place. He stated as a result, they would like to make a recommendation on the future of the Library System. He indicated the City and County executed a contract some two years ago calling for the take over of Library responsibilities by the County. He stated the County has assumed about 40% of the personnel cost but no capital cost and the contract does not set out any specific timetable for this to be done. Mr. Holt indicated we are about to lose the North Hills Library Branch. He pointed out this is the heaviest used branch in the System and serves about one-third of the population of the County. He explained it is the only library branch between Downtown and Wake Forest. Mr. Holt indicated we have been operating the North Hills Branch without a written lease as the lease expired several years ago and we have been working on a month-to-month basis. He indicated he feels there will be a controversy as to whether this is a relocation cost or a new branch, therefore, problems as to who pays. He stated because of the split responsibility of the County and City concerning maintaining the branch, there has been considerable delay in deciding upon its future and now we are faced with the possibility of losing the most important branch in the entire system. He stated this situation must change and it is his recommendation that the County Commissioners be encouraged to assume 100% funding responsibility for the system and to adopt and implement an adequate Capital Improvements Budget. He indicated he would recommend that the encouragement be in the form of the City Council pledging $750,000 towards future library facilities serving Raleigh's citizens. He stated this pledge would be contingent upon the County assuming 100% of the library budget effective July 1, 1983 and the adoption of a Capital Improvements Budget providing for a new regional library in North Raleigh and a new branch facilities on the Downtown Mall. He indicated to encourage this take over, he would recommend that the City's pledge represent the following assets. He stated this is not increase in taxes but would be a transfer of City tax to the County. He indicated several years ago the plan was to completely rehabilitate the Olivia Raney Library and for it to continue as the headquarters of the system, certain funds were appropriated by the City for the project, but most of the renovation cost were to be paid by the County through a long-term lease agreement. When the County decided not to use the building as its headquarters, they refused to sign a long-term lease and the renovations have never been undertaken. The County did start paying rent of approximately $52,000 per year and the escrowed rent payments now total approximately $300,000. He indicated he would recommend the County be authorized to use the Olivia Raney property as a branch library rent-free. If they choose to relocate the branch elsewhere in the Downtown area, the property could be sold, and the proceeds pledged to the County Library Capital Improvement Budget. If the City chooses to keep the property after the library has moved then $300,000 would be pledged from other City revenues. In addition, Mr. Holt indicated the sum of $150,000, is his estimate of the value of the City-owned equipment, shelving, furniture, and books in the branches within the corporate limits, and he would suggest that all of this property be transferred to the County. He stated he feels this pledge by the City Council would be the needed stimulus place the library system on the right track and will show all citizens of the County that the City of Raleigh will take all reasonable steps to work out interlocal problems concerning the future of the System. He stated he feels the time is here. He stated he was not talking about pledging the Richard B. Harrison Library, but the other assets as mentioned. Mr. Walters indicated this is not the first time something like this has been proposed, and he agrees that something should be done. Brief discussion took place and by general consensus, THE RALEIGH ADVISORY LIBRARY BOARD RECOMMENDATION WERE REFERRED TO THE INTERGOVERNMENTAL COMMITTEE.

Mr. Holt indicated recently he was quoted in the newspaper incorrectly about branches being located in Shopping Centers. He indicated what he actually said was that "there is no Shopping Center space available in the North Raleigh area."

CAROLINA VELO CLUB - AUTHORIZATION TO USE CITY STREETS FOR THE 5TH ANNUAL CAPITAL CITY CRITERION

Jeff Hutchinson, representing the Carolina Velo Club, was at the meeting to request permission to utilize City streets on April 6, to conduct the Annual Capital City Criterion Bicycle Race, on May 8, between 11:00 a.m. and 7:00 p.m. He indicated they have changed the route from previous routes to make the course more challenging, therefore, they would like to extend the route to encompass two additional City blocks. He stated they would also like to start the race at 11:00 a.m. Mr. Hutchinson indicated they have applied to the State DOT as some State streets are involved. He indicated the race is being co-sponsored by Coors. City Manager Zachary indicated that the Police Department has no objection to the event as being proposed, as the Velo Club has agreed to employ six off-duty Police Officers for traffic control and to provide all barricades and directional signs necessary to effectively secure the area. Brief discussion took place and Mr. Upchurch MOVED THAT THE REQUEST AS OUTLINED BE AUTHORIZED. His motion was seconded by Mr. Edwards and passed unanimously. THE MAYOR RULED THE MOTION ADOPTED.

Mayor York questioned if Mr. Hutchinson is organizing a bicycle team to participate in the Mayor's Challenge Race with Mr. Hutchinson indicating he was.

SUBDIVISION S-159-82 - TO BE PLACED ON THE NEXT AGENDA

John A. Edwards, Jr. was at the meeting to request revision of Condition No. 2 relating to Subdivision S-159-82, so that that Condition would read as follows: "No parking along 30-foot easement except within Tract No. 2 as shown on drawings included in the Agenda packet and available at the meeting." Mr. Edwards REQUESTED TO BE EXCUSED FROM PARTICIPATION IN THIS MATTER. With that objection, Mr. Edwards was excused. Mr. Edwards indicated they are requesting this so that they may be allowed to have parking along the 30-foot easement in Tract No. 2 where they have a proposed motel site. City Manager Zachary indicated the Traffic Department has reviewed this request and feels that it is acceptable from a traffic point of view. City Manager Zachary indicated the Planning Department has reviewed the request and has no objection to allowing parallel parking along this private drive easement if the design is approved by the City Subdivision Review Committee. Brief discussion took place with it being pointed out the Subdivision Review Committee has not met on the request. Mr. Upchurch MOVED THAT THIS REQUEST BE PLACED ON THE NEXT AGENDA WITH A REPORT FROM THE SUBDIVISION REVIEW COMMITTEE. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative except Mr. Edwards who was excused. MAYOR YORK RULED THE MOTION ADOPTED.

DAWSON MCDOWELL/HAMMOND ROAD - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

The Agenda indicated Clarence Lightner and three other speakers would like to make a presentation relating to the Person Street, Blount Street, Hammond Road area. Mayor York indicated this matter has been referred to the Comprehensive Planning Committee. Mr. Lightner questioned how the matter could have been referred to Committee if it had not been presented. Mayor York indicated he was not at the afternoon portion of the Council meeting, however, an item relating to Dawson McDowell/Hammond Road extension was referred to Committee. Mr. Lightner indicated he was not at the meeting to oppose Dawson/McDowell, he was at the meeting to support the Hammond Road project. He stated it is his hope that both of these projects would be completed as soon as possible. He indicated for many years many City Council candidates, including himself, have campaigned on the premises that something would be done about the neglected Southeast Raleigh area. He indicated in his opinion, and the opinion of many others, the Hammond Road project would encourage development in Southeast Raleigh as well as enhance transportation throughout the City. He stated it would provide a more direct route into the Downtown area, the Downtown East Redevelopment area, the Proposed Festive Retail area, as well as empty into the Atlantic Avenue extension. He stated it is time that everyone put action where their words have been. He stated both of these projects - Hammond Road and Dawson/McDowell will move traffic but only one will move traffic at the same time it provides incentive for development in the most neglected section of Raleigh. Mr. Lightner indicated funds for these projects do not necessarily have to come from the same source. He stated he would hope that the City fathers would get behind Hammond Road and the City use its influence to get the State Department of Transportation to complete both of these projects.

Ralph Campbell, President of the Raleigh/Wake Association, also spoke in support of Hammond Road. Mr. Campbell indicated some 13 years ago when Southside Urban Renewal Project was taking place, a commitment was made that housing would come back to Southeast Raleigh. He stated that promise has not been kept. He indicated at that time there was talk about the Dawson/McDowell Street extension. He stated he told the Council at that time if the Dawson/McDowell Street extension was that important, that he would suggest they put it in a tunnel and build houses on top of it. He stated nothing has ever happened about housing in the area and Dawson/McDowell hasn't been extended. He indicated he has said for the last 13 years that Dawson/McDowell Street was just for the convenience of the people to come in and exit Raleigh from the Harnett County/Johnson County area, and we are building it for these non-taxpayers. He pointed out presently Hammond Road dead ends into a bottle-neck. He questioned why it is so important now that Dawson/McDowell Street be extended. He pointed out again he believes a commitment has been made to the people that has not been kept. He stated Hammond Road if extended will give job opportunities. He spoke to the State ABC Storage facility that has been built and also indicated that he had read in the newspaper that there were people in the Southeast area that have the wherewithal to do the development if Hammond Road is extended. He stated

Dawson/McDowell will provide nothing but traffic in and out. He questioned if the City Council is interested in the citizens in this neglected area or the non-taxpayers who want to get in and out of Raleigh. He stated we need Hammond Road to help develop Southeast Raleigh so that it will not have to wait another 40 to 50 years.

James H. Colson, 2601 Firelight Road, also spoke in behalf of the Hammond Road extension. He stated he feels it should have top priority as it will create a climate for the development which in turn will increase the tax base in the City. He stated he was at the meeting to ask the Council to consider extending Hammond Road. Mr. Windly, 1505 Dudley Drive, indicated this area of the City is very important to him. He stated in his opinion, it is the most neglected section of our City and he would support the other speakers in asking the Council to please extend Hammond Road so that they can have growth in that area.

Mayor York indicated he has strongly advocated development in Southeast Raleigh. He indicated he does not own property in this area but he does represent a company that owns property that would be in the path of Hammond Road extension. He stated both Hammond Road and Dawson/McDowell are badly needed, but because he does represent this company, he would not vote on this item. Discussion took place as to why the item was referred to Committee with Mr. Calloway pointing out he brought the item up in the afternoon session of the meeting and it was referred to the Comprehensive Planning Committee which he chairs. He indicated the Comprehensive Planning Committee will meet at 8:30 a.m. on Wednesday, April 13, and he will be happy to have the presence of those who spoke tonight. Mr. Upchurch reiterated that he had attended meetings, looked at plans, etc. for these projects for the past three years. He stated he too, is strongly in support of development of Southeast Raleigh. He stated both roads are very important and he feels if we continue to work together, we can get both roads. He stated, however, he is afraid if the City is divided on its support
for the roads we will defeat our purpose and lose both roads. He indicated as he sits through the State DOT meetings and hears the request from all over the State, it is very hard to convince the State DOT to continue funding programs in Raleigh as everyone looks at the Beltline and says "What else does Raleigh want." He stated he feels that the road for the ABC warehouse did take funds away from the Hammond Road project. Mr. Upchurch spoke to the interchanges on the Beltway that lead into the Southeast Raleigh area, pointing out that he feels that all of this has to be tied together. He stated he would like to see as much hope for solving the traffic problems in North Raleigh as we have for solving the traffic problems in South Raleigh. He again pointed out right-of- way has been then purchased, plans have been made for the Dawson/ McDowell Street and work has been done on Hammond Road, but he does not believe that both will be built at the same time and he would encourage everyone to fight and stick together and push for both projects.

UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

NONE

MATTERS SCHEDULED FOR PUBLIC HEARING

UNFIT BUILDINGS - 234 PECAN ROAD - HEARING - ORDINANCE ADOPTED TO BE EFFECTIVE JUNE 8, 1983

During the March 15, 1983 Council Meeting, a public hearing was scheduled to consider adoption of an ordinance declaring the dwelling of 234 Pecan Road, unfit and directing that it be placarded. The property is in the name of the Willie Dale Hicks, Heirs. Representatives of the owner were unable to be at that meeting, therefore, it was agreed to defer action and place the item on this Agenda. The Mayor opened the hearing. Pete Wilder, representing the Wake County Council on Aging, explained problems at this location relating to sickness in the family. He indicated they have a total income of less than $800 per month. He stated the Council on Aging and members of the community have gotten together and are willing to help and are working to get some $250 to pay for the materials to repair the house. He stated $100 has been collected thus far. He stated, in addition, the Wake County Council on Aging has the Weatherization program and they feel that with all of this together, if given time, the repairs could be made. In response to questioning, Mr. Wilder indicated he hoped that the work could be completed within 60 days. City Manager Zachary indicated one of the problems that this location relates to is electrical repairs. He stated if the Council considers additional time to please consider requesting the property owner to do the electrical work first. Brief discussion took place and Mr. Calloway MOVED THAT ADOPTION OF AN ORDINANCE TO DECLARE THE DWELLING AT 234 PECAN ROAD UNFIT EFFECTIVE JUNE 8, 1983 POINTING OUT THIS WILL GIVE SOME 64 DAYS TO GET THE REPAIRS DONE. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

ORDINANCE NO. 1983-91

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 7, Chapter 4, Article G of the Code of the City of Raleigh, North Carolina, entitled "Housing Code,"

and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Inspections Superintendent, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Inspections Superintendent of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
Willie Dale Hicks, Heirs	234 Pecan Road

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective June 8, 1983.

Adopted: April 5, 1983

Effective: June 8, 1983

PUBLIC NUISANCE COST CONFIRMATION - 3120 AND 3121 WILDER STREET - HEARING - COST CONFIRMED

This was a hearing to consider a adoption of a resolution confirming charges for abating public nuisances as outlined below. The charges, if confirmed, will become a lien against the land. The Mayor opened the hearing on each case:

3121 Wilder Street - Mrs. Beryl O'Kelly Brooks - $184 - No one asked to be heard.

3120 Wilder Street - Mrs. Beryl O'Kelly Brooks - $202 - No one asked to be heard.

Mr. Calloway MOVED THAT ADOPTION OF THE RESOLUTION CONFIRMING THE CHARGES FOR ABATING PUBLIC NUISANCES AS OUTLINED. His motion was seconded by Mr. Upchurch and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 1983-202

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14 (33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 7, Chapter 5 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 7, Chapter 5.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 7, Chapter 5 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Mrs. Beryl O'Kelly Brooks	3121 Wilder Street Lot 270, Map 521 ID #0008634	$184
Mrs. Beryl O'Kelly Brooks	3120 Wilder Street Lot 267, Map 521 ID #0008632	202

Section 3. That this resolution shall become effective April 5, 1983.

Adopted: April 5, 1983

WATER ASSESSMENT ROLL 981 - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

This was a hearing to consider correcting Water Assessment Roll 981 to the end that the assessment against Lot No. 9 in the amount of $402.40 will be made in the name of James H. Jackson and Michael F. Bounds rather than Marv Harris and Martha Green. It has been found that Mr. Jackson and Mr. Bounds were the correct owners of the property at the time of confirmation. The hearing was opened to the public, however, no one asked to be heard, thus the hearing was closed. Mr. Upchurch MOVED ADOPTION OF THE CORRECTING RESOLUTION AS OUTLINED. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 203

A RESOLUTION TO CORRECT WATER ASSESSMENT ROLL 981, Lynn Road.

WHEREAS, by Resolution No. 1982-73, adopted 11-2-82, the City Council confirmed Special Water Assessment Roll 981.

WHEREAS, on the map attached to said assessment roll Lot 9 was shown as being the property of Marv Harris & Martha Green.

WHEREAS, the City Council now finds that Lot 9, was, at the time of confirmation of the assessment roll, the property of James H. Jackson & Michael F. Bounds, and that the assessment should be corrected accordingly, as permitted by GS-160A-228; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Water Assessment Roll 981 be and the same is hereby corrected, and the assessment against Lot 9 is made against James H. Jackson & Michael F. Bounds.

Section 2. That the Revenue Collector is authorized and directed to correct the tax records by making appropriate entries thereon.

Adopted: 4/5/83

James H. Jackson &
Michael F. Bounds
1613 Millbrook Rd.
Raleigh, NC

Amount: $402.40

PU-1983-2 - DURALEIGH ROAD - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of approximately 2740 feet of 8-inch sanitary sewer main within the Mangum property located East of Duraleigh beginning at the southern boundary of Laurel Hills southward. Public Utilities Director Butler explained the location and project involved. The Mayor opened the hearing to the public. Mr. Edwards INDICATED THE MAP FOR THIS PROJECT WAS DRAWN IN HIS OFFICE, THEREFORE, HE WOULD LIKE TO BE EXCUSED FROM PARTICIPATION IN THIS MATTER. Without objection Mr. Edwards was excused to speak on this project. Mr. Upchurch MOVED ADOPTION OF RESOLUTION DIRECTING PU 1983-2 AS ADVERTISED. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 204.

PU-1982-26, 27, AND 28 - MILLBROOK ROAD/ATLANTIC AVENUE - HEARING - RESOLUTION ADOPTED

It was agreed to combined hearings on three PU projects in the same area. PU-1982-26 relates to the installation approximately 1,100 feet of 16-inch water main in Millbrook Road from Atlantic Avenue, eastward, to the dead end of the existing 16-inch water main with assessment on the front footage basis to apply. PU-1982-27 is the installation of approximately 3,000 feet of 24-inch water main within the right-of-way and proposed realignment of Millbrook from the existing City limits, eastward, to the proposed Atlantic Avenue with assessment on the front footage basis to apply. PU-1982-28 is the installation of approximately 4,600 feet of 42-inch water main within the proposed Atlantic Avenue/Millbrook Road to Spring Forest Road with assessment on the front footage basis to apply. Public Utilities Director Butler explained the projects in detail. Mr. Walters questioned if the controversy about the realignment of Millbrook Road has been resolved with Mr. Edwards pointing out he thought it had. The Mayor opened the hearing to the public. A gentleman in the audience questioned the rate of assessment with Mr. Butler pointing out the assessment would be based on one-half of a six inch main and would be applied against property owners on both sides of the project. He stated the assessment would not apply until the property is annexed or until a property owner hooks onto the line. No one else asked to be heard. The hearing was closed. Mr. Upchurch MOVED THAT ADOPTION OF A RESOLUTION DIRECTING THE INSTALLATION PU-1982-26, 27, and 28 AS ADVERTISED AND EXPLAINED. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 1983-204

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1983-2 - Installation of approximately 2,740 feet of 8-inch sanitary sewer main within the Mangum property, located east of Duraleigh Road, beginning at the southern boundary of Laurel Hills southward 2,740 feet, with assessment by the abutting footage method.

PU 1982-26 - Installation of approximately 1,100 feet of 16-inch water main in Millbrook Road from Atlantic Avenue, eastward 1,100 feet± to the dead end of the existing 16-inch water main, with assessment by front footage basis.

PU 1982-27 - Installation of approximantely 3,000 feet of 24-inch water main within the right-of-way and proposed realignment of Millbrook Road from existing City Limits, eastward to the proposed Atlantic Avenue, with assessment on front footage basis.

PU 1982-28 - Installation of approximately 4,600 feet of 42-inch water main within the proposed Atlantic Avenue/Millbrook Road to Spring Forest Road, with assessment on front footage basis.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: Front footage of property abutting the extension.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: April 5, 1983

SIDEWALK INSTALLATION - SIX FORKS ROAD - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This was a hearing to consider the installation of sidewalk on the east side of Six Forks Road from Lassiter Mill Road to Dartmouth Road. Chief Engineer Thomas explained the location of the proposed project. The Mayor opened the hearing and no one asked to be heard thus the hearing was closed. Mr. Upchurch MOVED ADOPTION OF A RESOLUTION DIRECTING THE INSTALLATION OF SIDEWALKS AS ADVERTISED AND EXPLAINED. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED. See Resolution 205.

SIDEWALK INSTALLATION - LASSITER MILL ROAD - HEARING - RESOLUTION DIRECTING PROJECT ADOPTED

This is was a hearing to consider the installation of approximately 130 feet of sidewalk on Lassiter Mill Road from the end of the existing sidewalk east of Camelot Drive. Chief Engineer Thomas explained the location and the proposed project. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Upchurch MOVED ADOPTION OF A RESOLUTION DIRECTING THE INSTALLATION OF SIDEWALKS AS EXPLAINED AND ADVERTISED. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. 1983-205

A RESOLUTION DIRECTING THAT SIDEWALK IMPROVEMENTS BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property assessable therefor pursuant to Section 6.44 of the Raleigh City Charter and Article 10 of Chapter 160A of the General Statutes of North Carolina:

Installation of sidewalks on the east side of Six Forks Road from Lassiter Mill Road to Dartmouth Road.

Installation of approximately 130 feet of sidewalks on Lassiter Mill Road from the end of existing sidewalk east to Camelot Drive.

Section 2. That the improvements shall be of concrete and shall be made in conformity with rules, regulations and specifications of the City of Raleigh.

Section 3. When a sidewalk is constructed on only one side of the street, the entire cost thereof shall be assessed against the property abutting on both sides of the street, unless there already exists a sidewalk, on the other side of the street, the total cost of which was assessed against the abutting property.

Section 4. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Adopted: April 5, 1983

DOWNTOWN EAST/EASTSIDE REDEVELOPMENT PLAN - NEW BERN AMENDMENT - RESOLUTION ADOPTED

This was a hearing to receive citizen input in the final preparation of a redevelopment plan amendment for a portion of the Downtown East/Eastside Redevelopment area. This Redevelopment Plan amendment area is more specifically known as the New Bern Place. The hearing is to receive input to consider amending the Downtown East/Eastside Redevelopment area to include a two-block area located south of Edenton Street, west of Person Street, north of Morgan Street, and east of Blount Street and is known as the New Bern Place. Downtown Project Coordinator Dave Betts, utilizing a slide presentation, explained the New Bern Place amendment in detail pointing out the New Bern Place Development includes a redevelopment component as well as a public improvements component. The New Bern Place amendment would be according to a booklet available at the meeting entitled "Raleigh Downtown New Bern Place Amendment" Downtown East Redevelopment.

After the slide presentation and the explanation of the project, Mr. Calloway questioned what would happen to the two businesses on Person Street with Mr. Betts indicating they would be relocated out of funds from the City and those funds have been included in the total budget as presented. The Mayor opened the hearing to the public.

Myrick Howard, 11 South Blount Street, representing the North Carolina Preservation Fund, spoke in support of the amendment. He commended the City of Raleigh for this proposed amendment pointing out residential areas in town are absolutely necessary for the revitalization of any downtown area. He referred to other residential areas in downtown areas such as Charlotte's Fourth Ward and their success. He pointed out once the public sector takes the lead and projects such as this the private sector will follow. No one else asked to be heard, thus the hearing was closed. Brief discussion took place with it being pointed out the Planning Commission has reviewed the amendment and recommend approval and that strong consideration be given to implement the alternative site plan as shown on Page 15 of the booklet. Mr. Walters moved that the item be placed on the next Agenda for consideration which was seconded by Mr. Upchurch. Mr. Betts pointed out the site plan is just an illustration and the questions of design such as whether to go with the alternative could be handled through normal channels. Mr. Edwards made a substitute motion THAT THE DOWNTOWN EAST/EASTSIDE REDEVELOPMENT AREA BE AMENDED AS EXPLAINED IN THE NEW BERN PLACE AMENDMENT WITH THE UNDERSTANDING THE QUESTION OF DESIGN WOULD BE BROUGHT BACK THROUGH NECESSARY CHANNELS. His motion was seconded by Ms. Babb. Mr. Calloway questioned if the problems with Mr. Parson have been settled. Planning Director Chapman indicated the plan speaks to have the City would acquire Mr. Parson's lease and property. The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. THE MAYOR RULED THE MOTION ADOPTED.

RESOLUTION NO. (1983) 206

NEW BERN PLACE PLAN

AMENDMENT TO THE DOWNTOWN EAST/EAST SIDE REDEVELOPMENT PLAN

WHEREAS, the City of Raleigh is undertaking a comprehensive program of Downtown revitalization involving public and private sector cooperation in redevelopment and rehabilitation; and

WHEREAS, as part of this program the City adopted on January 19, 1982, the Downtown East/East Side Redevelopment Plan; and

WHEREAS, this plan provides a framework for future specific redevelopment projects to be added as amendments as they are identified and duly adopted by the City; and

WHEREAS, the New Bern Place Plan has been prepared identifying specific redevelopment actions and funding, as well as public improvements in support of redevelopment; and

WHEREAS, the New Bern Place Plan has been reviewed and endorsed by the Raleigh Historic Properties Commission and others actively involved in this area; and

WHEREAS, the New Bern Place Plan has been approved by the Raleigh Planning Commission with the recommendation that an alternative design be considered for the New Bern Avenue Cul-de-Sac; and

WHEREAS, the New Bern Place Plan was presented at public hearing before the City Council, the Redevelopment Authority for the City of Raleigh, in accordance with North Carolina Urban Renewal Law; and

WHEREAS, the City Council on April 5, 1983, approved the New Bern Place Plan by unanimous vote;

THEREFORE, BE IT RESOLVED that the New Bern Place Plan is hereby adopted and amended to the Downtown East/East Side Redevelopment Plan and that the City will undertake redevelopment and public improvements proposed in the New Bern Place Plan in accordance with the provisions therein and applicable State and Federal laws.

Adopted: 4/5/83

MATTER SCHEDULED FOR PUBLIC HEARING BEFORE THE CITY COUNCIL AND THE PLANNING COMMISSION

The regular Council meeting ended at 9:00 p.m. The City Council went into a joint hearing with the Planning Commission to consider various requested rezonings and text changes as advertised. The items heard during that portion of the meeting are covered by a separate set of minutes.

Gail G. Smith
City Clerk

ELL/CCN